

## Legislative Assembly of Alberta

**Title: Monday, April 15, 1996**

**1:30 p.m.**

Date: 96/04/15

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

head: **Introduction of Bills**

### **Bill 29 Employment Standards Code**

MR. DAY: Mr. Speaker, I'm pleased to request leave to introduce a Bill, being the Employment Standards Code.

Mainly this deals with streamlining and consolidating the legislation into a workable document for Albertans. There is much elimination of unnecessary requirements, use of plain language. I want to emphasize that the Bill also ensures that no fees – no fees – will be charged for the filing or investigation of a claim. It will allow for the development of a more responsive and efficient appeal system, including alternate methods of conducting appeal hearings, and it will also apply to employers and employees covered by the Public Service Employee Relations Act.

[Leave granted; Bill 29 read a first time]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. the Minister of Family and Social Services.

MR. CARDINAL: Thank you very much, Mr. Speaker. Today I'm tabling six copies of the 1994-95 annual report of the Metis Settlements Appeal Tribunal.

THE SPEAKER: The hon. Minister of Education.

MR. JONSON: Thank you, Mr. Speaker. I would like to table two documents today. First, I am tabling five copies of my written response to the question asked in my absence by the Member for Calgary-North West on March 28 regarding the school facilities situation in Christ the Redeemer school division. A letter was mailed to the hon. member this past Friday.

Further, as a second item, Mr. Speaker, I'm also tabling five copies of the response to questions asked during supplementary estimates on the \$5 million being allocated for network access. All members who asked that question during the supplementary estimates will also receive a copy.

Thank you, Mr. Speaker.

MR. DICKSON: Mr. Speaker, I'm pleased to table at this point copies of a newspaper advertisement run by the Dignity Foundation in the major daily newspapers last week expressing concern with the government's Bill 24.

THE SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. I'd like to table today with the Assembly copies of a letter from president Gerald McCaughey of the Association of Professors Emeriti. The professor is offering to review the latest dispute regarding the interpretation of visiting professors as it relates to Jane Fulton.

THE SPEAKER: The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. I'd like to table four copies of the Political Party Annual Financial Statement for fiscal year '95 for the Progressive Conservative Association of Alberta.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I'm pleased today to introduce to you and all members of the Assembly a group of 19 students and visitors from Austin O'Brien high school, an excellent high school in beautiful Edmonton-Gold Bar. They are accompanied by Miss Ruby Mauricio and Mr. Walter Szwender. Mr. Szwender is no stranger to this Assembly. You will recall that he was a member of the Legislative Assembly in the early '80s. The group is located in the members' gallery, and I'd ask them to rise and receive the welcome of the members.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly a group of Parkland home educators. There are 16 adults and 40 students here today. The adults are Mrs. Sheryl Percy, Mr. Gerd Treder, Mrs. Evelyn Treder, Mrs. Joanne Olson, Mr. Allen Olson, Mrs. Veronica McDonald, Mrs. Debbie Berg, Mrs. Lois Lemley, Mrs. Bridget Toms, Mrs. Tina Van Netten, Mrs. Margaret Doige, Mrs. Donna Erickson, Mrs. Gail Howlett, Mrs. Monica Prochnau, Mrs. Heather Gautreau, and Mrs. Marilyn Leder. They are very interested in the Legislature and the proceedings, and I believe this is the second year in a row they've come to visit us. I would ask them to please rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Leader of the Opposition.

MR. MITCHELL: Thank you, Mr. Speaker. I have the pleasure of introducing to you and through you to Members of the Legislative Assembly 52 students, teachers, and parents from the Rio Terrace elementary school in the my riding of Edmonton-McClung. The students are accompanied by teachers Monsieur Ron Lucas, Madame Tammy Andrew-Nieman, and Madame Marie Commance-Shulko. Parents include Jan Pimlott, Terry Astle, Willie Von Stackelberg, Steve Hillier, Jolaine Martin, Mariola Tulinski, and Noelle Brown. I would ask that they all rise in the gallery and receive the welcome of the Members of the Legislative Assembly.

head: **Ministerial Statements**

THE SPEAKER: The Minister of Agriculture, Food and Rural Development.

### National Soil Conservation Week

MR. PASZKOWSKI: Thank you, Mr. Speaker. Today I am pleased to announce the 11th annual National Soil Conservation Week, which begins today and runs through to April 21. Across this country this week is designated to increase public awareness of soil conservation efforts throughout Canada.

Society as a whole has a stake in protecting the soil under our feet because food ultimately comes from only one place, and that's the earth. Only a few inches of topsoil stand between starvation and sufficient food for a very hungry world.

In the agricultural community soil conservation practices have developed a year-round presence, with winter protection as important as summer nurturing. Government, industry, and farmers have joined efforts for more comprehensive and practical on-farm testing of conservation practices.

In Alberta a series of federal/provincial agreements have expanded these efforts, and currently a five-year \$36 million Canada/Alberta environmentally sustainable agriculture agreement, known as CAESA, promotes sound practices in the agricultural food industry. CAESA programs, which end in 1997, have delivered hundreds of projects at the local level to increase public awareness of the value of the earth. Consultations about continued environmental efforts are taking place with the agricultural and food processing industries.

Alberta Agriculture, Food and Rural Development encourages stewardship of the soil and water resources used by this industry, and stewardship is indeed growing. To help prevent soil erosion, more than 3 million shelterbelt trees have been planted in Alberta since 1989. That's 2,000 miles of trees, the distance between Edmonton and Toronto.

Direct seeding, which is seeding into untilled soil, conserves soil and soil moisture. In my region, Mr. Speaker, in the Peace River country, direct-seeded acres increased from 3,500 acres in 1987 to 100,000 in 1993, and what's anticipated is 200,000 this coming year. So we do indeed have a continued growth and acknowledgement of the requirements of conservation. Refraining from plowing and rototilling land ensures that the few inches of topsoil under our feet do not deteriorate through wind erosion or through water runoff.

Farmers are not the only people that need to be concerned about preventing soil degradation. Alberta's farmland is a legacy that we will leave to our children. We are challenged to protect, maintain, and enhance our soil resources for future generations. As the National Soil Conservation Week's theme states, soil conservation is in our hands.

Media kits are available in my office to all members of the Legislature and to the press. I hope you'll all stop by and pick up a copy.

THE SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure to respond to the minister's statement this afternoon on soil conservation week. This is a week that we set aside annually to look at the issues of soil conservation, to recognize the various groups and the individuals who have taken it upon themselves to recognize, as the minister said, that there's only a certain amount of soil. It's the soil that produces the food that we have to eat. It provides the space that we build our homes on. It provides the space that we develop our transportation networks on.

We end up with a lot of conflicting uses that trade off, and in the transition period a lot of that soil, a lot of the land that we're

dealing with becomes very susceptible to loss because of issues like rain, wind, and chemical pollution. We have to deal with these from the perspective of how we can develop practices in agriculture and in all of our other uses of that land base that will keep that soil in our possession, in our collection of goods that we can use to make Alberta, Canada, and all of the world, Mr. Speaker, a productive place and a good place to live.

The minister spoke about the importance of direct seeding in the example he gave about the impact that this is having in his community. We really have an issue here where direct seeding is a new technology that farmers are being able to implement now because of the new power they have, the new equipment they have. This replaces for a lot of farmers the old practice of summer-fallowing, which left the land fallow for a year, left it susceptible to wind erosion, left it susceptible to the loss of organic matter. I congratulate Alberta Agriculture; I congratulate the soil conservation groups on the efforts that they've gone to to make sure that farmers are aware of these new technologies and the advantages they have so that everybody, Mr. Speaker, all of us, every Albertan, can look at their land and be proud of it.

*head:*

*1:40*

THE SPEAKER: The hon. Leader of the Opposition.

### Oral Question Period

#### Health Care Funding

MR. MITCHELL: Mr. Speaker, thank you. The Capital regional health authority is being forced to make yet another round of cutbacks just months after the Premier said that the health care cuts were over. This is exactly what happens when government cuts health care without a plan, without assessment of needs, and literally puts the health care system into chaos. How can the Premier say that the health care cuts are over when the Capital health authority is quite clearly being forced to cut some more money? Does anybody over there know what's happening to this health care system?

MR. KLEIN: In answer to the specific question, yes, Mr. Speaker, we do. I'm advised that our government has not reduced the budget of the Capital health authority in fiscal 1996-1997. Its base budget for this fiscal year is \$703 million, up approximately \$13 million from the 1995-1996 base. In answer to the hon. leader's question, the Health minister is well aware of the issues in the Capital region, and she has been working closely with the Capital authority to address their financial pressures.

MR. MITCHELL: She's been working hard to ignore the Capital regional health authority, Mr. Speaker.

Mr. Speaker, what does the Premier say to the people dependent on the northern Alberta regional geriatric program when a further 8 percent of that budget is being cut just months after the Premier stood and told the people of this province that the cuts had stopped?

MR. KLEIN: Mr. Speaker, in fact, the anticipated cuts of \$53 million that were being called for in fiscal 1996-1997 have been canceled. Indeed, some \$54 million has been put back into the health care system.

As we've said in the past, Mr. Speaker, this is a year of monitoring and evaluating the restructuring that has taken place, and we will continue to undertake that evaluation and to monitor. But there's one thing that I would like to make clear: we will not allow the quality of health care to decline.

MR. MITCHELL: Why won't the Premier just take the Liberal funding formula policy, which combines population-based funding, socioeconomic factors, and needs assessment to create a regional authority funding formula that makes sense?

MR. KLEIN: Mr. Speaker, the minister is working very hard on a funding formula for the regional health authorities. If he would care to send his suggestions and his constructive ideas along, we'd be glad to have a look at them. I'm not going to say at this particular time whether we're about to accept them, because like so many other things that the Liberals put forward, they're awfully vague and turn out in many, many cases to be terribly expensive.

Mr. Speaker, the hon. minister, as you know, couldn't be here today because her daughter just had a baby in Alberta's health care system. I am told that the baby girl, 7 pounds and some odd ounces, is fine and the mother is fine, but the minister is a little stressed out at this particular time.

Mr. Speaker, I would like to add one final point. The hon. Treasurer has agreed to put this matter to the meeting of the Treasury Board which will be held tomorrow. I'll be at that meeting, and we'll have a very good look at the situation as it pertains to the Capital regional health authority.

MR. MITCHELL: Mr. Speaker, the poorly planned restructuring of our health care system is putting more and more unreasonable and unfair stress on both workers and the public. People waiting on public health care cataract surgery lists in Edmonton will be further distressed to learn that there will be 1,000 fewer cataract procedures performed each year by hospitals in the public health care system in this region. Waiting lists will balloon from six weeks to 30 weeks. How does this square with the Premier's recent announcement that an additional \$11 million would be put into the system to reduce, not to increase but to reduce, surgery waiting lists?

MR. KLEIN: Mr. Speaker, I don't know where the leader of the Liberal opposition is getting his figures. I don't know if those figures are indeed factual. The minister might be able to shed some light on this particular situation. I will take the question under notice.

MR. MITCHELL: I thought the Premier was monitoring this year, Mr. Speaker. How can the Premier think it reasonable that Albertans without an extra \$1,000, maybe \$1,200 should have to wait more than six months for needed eye surgery while they go blind?

MR. KLEIN: Well, they shouldn't have to, Mr. Speaker. As I say, I'm not familiar with the situation in the Capital regional health authority relative to this very specific and particular problem, and I don't know if the figures and the so-called facts being presented by the leader of the Liberal opposition are right. What I would like to have is the opportunity to discuss this with the minister and get some factual and true information on the situation.

MR. MITCHELL: How can the Premier continue to say that he supports the publicly funded health care system when his cut-backs, poorly planned as they are, continue to disable the public health care system and force more and more Albertans to rely on a two-tiered, privatized, commercialized system?

1:50

MR. KLEIN: Mr. Speaker, that simply is not true. As the leader of the Liberal opposition knows, there are some options available in some of the privately operated clinics relative to not only the removal of cataracts but, as I understand, some kinds of specialized treatment that eliminate the need for eyeglasses and so on. These are purely optional kinds of things and to some degree take pressure off the system. If the hon. member wants to see something that is working and has taken pressure off the system in the hospitals, one only needs to go to the city of Calgary and the clinic that is operated by the Huangs, Drs. Peter, Ian, and John Huang, whereby they contract to the hospital and are doing an outstanding job and have taken pressure off the hospitals and are performing a phenomenal number of cataract operations.

THE SPEAKER: The hon. Member for Calgary-North West.

#### Multi-Corp Inc.

MR. BRUSEKER: Thank you, Mr. Speaker. Last Tuesday it was revealed that government officials offered the former Deputy Premier a job with Multi-Corp. Now, initially the Premier said that it wasn't him, that he had nothing to do with it. Yet a couple of days later the Premier changed that and said that, well, he had in fact assigned his executive director and his executive assistant to find a job for the former Deputy Premier. My question is to the Premier. Is it government policy for the Premier or someone from his office working on the Premier's behalf to be head-hunting on behalf of a private firm?

MR. KLEIN: Well, that's not quite the way it came about, Mr. Speaker. Again I have to reiterate that I wasn't involved directly in these discussions, nor was I involved indirectly. At the time I decided to make changes to the cabinet in October of 1994, I asked Peter Elzinga, who was the head of the party – and this was as much a party situation as it was a government situation – and I asked Rod Love to co-ordinate discussions with the Member for Barrhead-Westlock. That was in light of the fact that the original appointment for that member simply did not work out. As the hon. Member for Edmonton-Gold Bar well knows, there was a very difficult situation relative to that appointment, and she grilled and questioned me very legitimately and very effectively on that particular matter. During the course of those discussions a number of private- and public-sector organizations expressed an interest in accommodating the member. [interjections] Expressed an interest; right. Those expressions of interest were passed on.

I have indicated and I'll indicate in this House that we're all not perfect. We do make mistakes from time to time. Even the Member for Calgary-North West makes the odd mistake.

MR. DAY: Very odd.

MR. KLEIN: The very odd mistake from time to time. I have indicated that it was probably a mistake and that they shouldn't have acted as a go-between. I have said that quite publicly. Mr. Love and Mr. Elzinga agree in hindsight that it was a mistake and have accepted their responsibility. I believe, nonetheless, that they were acting in good faith. We were dealing with a very difficult situation at that particular time.

Other than that, Mr. Speaker, I am not at liberty to discuss confidential personnel matters, whether it involves the accommodation of any member of the Liberal Party relative to private-sector activities or any member of the public service.

THE SPEAKER: Supplemental question.

MR. BRUSEKER: Thank you, Mr. Speaker. My supplemental question is also to the Premier. If indeed the offer came directly from the corporation and was unsolicited by anyone in government, then how could this computer company know that the former Deputy Premier's offer of the AEUB position would be rescinded, withdrawn, when the only person who would know that would be the Premier?

MR. KLEIN: Mr. Speaker, that was a very public and open debate, and it was becoming quite, quite clear. Certainly, the hon. Member – and I mean the honourable member – for Edmonton-Gold Bar knows full well that there were some real problems with that particular appointment.

MR. BRUSEKER: Well, my final supplemental, also to the Premier: will the Premier now comply with the growing number of Albertans and even the *Calgary Sun*, Mr. Speaker, and have the Chief Justice of the Court of Appeal of the province of Alberta appoint a judge to conduct a full and independent review, a public inquiry into the relationship between the Premier, the government, and this corporation?

MR. KLEIN: Mr. Speaker, these people have no regard for the costs, no regard for the costs. You know, unless they're out there really trying to whip the people, I am not getting a lot of phone calls on this particular issue. I'm getting no letters on this particular issue. Do you know what the people of this province want to talk about? They're concerned about their jobs. They're concerned about the economy. They're concerned about health care. They're concerned about education. They're concerned about a social safety net. They're concerned about the environment. They're concerned about roads and highways.

Mr. Speaker, I was in Fort McMurray on Friday, and the media up there were absolutely astounded – absolutely astounded – that a reporter would travel all the way up there to ask me a question about Multi-Corp. They said, "Who cares?"

THE SPEAKER: The hon. Member for Pincher Creek-Macleod.

#### Public Consultation on Fiscal Policies

MR. COUTTS: Thank you very much, Mr. Speaker. This past week I had the opportunity to talk to Albertans by the medium of television, in particular a program called *Provincial Affairs*, about getting their input on the future directions of our province through the Straight Talk, Clear Choices document. Now, today, April 15, is the last date that Albertans can get their responses in on this particular document. Can the Treasurer please advise this House how the responses have been to this mail-out?

MR. DINNING: Mr. Speaker, to date we estimate that we have received in the order of 70,000 replies by way of fax and telephone, through the Internet, and by way of the direct mail into the Premier's office. We estimate that we've tabulated the results from about two-thirds of the responses so far. It's a lengthy process. That's a very good response, some 70,000 to 75,000, about a 7 percent return rate, which in marketing circles is very good, when you're above the 2 to 3 percent rate.

Of those who've replied so far, Mr. Speaker – there's still today, and over the next few days we expect Albertans will

continue to respond – a little over a third have said to pay down the debt when given the choice among four options, the fourth option being a combination of all three: pay down the debt, targeted spending, and targeted tax reductions. A little under one-third have said to do a combination of all three, and the remaining one-third have said: targeted program spending or tax reduction.

So, Mr. Speaker, we are still tabulating. We're still receiving responses to the Straight Talk, Clear Choices questionnaire. Of course, I would remind all Albertans, I know many of whom are watching today, that by simply phoning 1-800-852-1819 they could log their responses in today, and of course they could fax us directly at 427-4695. We would certainly want to make sure that all Albertans have had a chance to have their say in this important decision that they're making.

THE SPEAKER: Supplemental question.

MR. COUTTS: Yes, Mr. Speaker. To the Provincial Treasurer also: what will be done with these questionnaires once they have all been received?

MR. DINNING: Well, Mr. Speaker, we would be tabulating those questionnaires, I expect, from now through to the end of next week, probably having it completed by the end of the month. We would then be providing a report to the standing policy committee on financial planning, chaired by the hon. Member for Calgary-North Hill. That report will be released and made available to members of that committee and indeed to the public at an open meeting that committee will have in the first 15 days of May. That report will be the subject of some debate at at least one or possibly two or more public meetings of that committee during the month of May and perhaps into early June.

2:00

MR. GERMAIN: Spare us.

MR. COUTTS: No, I can't do that.

What will be the time line for that review of the responses and the implementation? It's important, Mr. Speaker, that we look at the implementation of the direction that Albertans communicate to the government through this process.

MR. DINNING: Well, Mr. Speaker, I know the Liberals have no interest in asking Albertans what their views are, but this government does, and we take our job very seriously. As I said, this will be the subject – and I don't know whether members of the Liberal caucus would want to come to a public, open meeting of the standing policy committee, but they will have that opportunity.

Quite rightly, the member is asking: what is the process beyond the standing policy committee? Once the committee has done its deliberations, it will review and prepare a report that will be presented to the hon. Premier before the start of the summer. We as a government, both cabinet and caucus, will debate that matter over the summer and into the fall. We will have some decisions to make in the fall of 1996 and perhaps in preparation for budget '97.

So, Mr. Speaker, we welcome what Albertans have told us. They have responded very favourably and in large measure, and we value that input. I know that the Liberals really couldn't give a hoot, but we are deadly serious about the work that we do.

THE SPEAKER: The hon. Member for Edmonton-Whitemud.

### Political Party Contributions

DR. PERCY: Thank you, Mr. Speaker. Ryckman Financial Corporation has been placed in bankruptcy, and its debts include 8 and a half million dollars to Alberta Treasury Branches, secured by only 2 and a half million dollars in collateral. Millar Western Pulp's \$120 million loan from the Alberta heritage savings trust fund has been reduced to \$20.6 million on the books. Furthermore, outstanding interest on the loan as of March 31, '94, was \$90.7 million. My questions are to the Provincial Treasurer. Can the Provincial Treasurer explain why Ryckman Financial Corporation was able to make a \$10,000 donation to the Progressive Conservative Party of Alberta in 1995, when it was unable to pay money owing to both the Alberta Treasury Branches and to the Securities Exchange Commission, both of whom report to him?

MR. DINNING: No, Mr. Speaker, I am not able to provide an explanation to the member when he asks why a certain client of Treasury Branches made a contribution to the Progressive Conservative Party. I don't have that responsibility to know the detailed line-by-line, hour-by-hour, minute-by-minute decisions of a client of Treasury Branches in making those kinds of decisions to contribute, to be one of several Albertans who would have decided to contribute \$2.8 million by way of political contributions to the Progressive Conservative Party of Alberta.

I do know, Mr. Speaker, that this party, the Progressive Conservative Party itself, ran a surplus. It did not spend more in the way of expenditure than it received in the way of revenue, whereas I am advised by a very worthy piece of communication called Word of Mouth Communications Limited that the Liberals were unable to attract the same kind of cash. The total revenue for 1995 was only \$553,000, while the party had expenses of \$651,000. Clearly, these people across the way ran a deficit last year, something that this party would not want to do.

DR. PERCY: Can the Provincial Treasurer explain, Mr. Speaker, how Millar Western Management, part of the Millar Western stable of firms, was able to make contributions amounting to \$11,700 to the Progressive Conservative Party of Alberta in 1995, when the Alberta heritage savings trust fund loan to Millar Western Pulp remained in arrears to the tune of tens of millions of dollars?

MR. DINNING: Mr. Speaker, no, I am not aware of the minute-by-minute or day-to-day financial decisions of a company such as Millar Western corporation.

I would again remind the member across the way that we think that running a surplus in our party operations is reflective of how we as a government would want to conduct our business. Clearly, when the member across the way is a member of a party that, for every dollar it takes in, spends a dollar and 20 cents, that sends a strong message of how the Liberals would want to manage the financial affairs of this province.

THE SPEAKER: Supplemental.

DR. PERCY: Thank you, Mr. Speaker. Can the Provincial Treasurer explain why it isn't government policy to prevent firms with troubled financial relationships with the provincial government from making campaign donations to any provincial political party, whether it's Tory, Liberal, or New Democrat or transcendental meditation?

MR. DINNING: You know, Mr. Speaker, there they go again. I had held out great hope for this former economics professor from the University of Alberta to be a little less pink than his Liberal colleagues on the left. Instead, what he wants this Legislature to do is to legislate . . . [interjections]

THE SPEAKER: Order. Hon. Member for Spruce Grove-Sturgeon-St. Albert, you've regressed. Please.

MR. DINNING: Mr. Speaker, what the member across the way wants this Legislative Assembly to do is once again interfere in and control the lives of individual Albertans by some arbitrary measure. The member across the way may say that some individual Albertan or some corporation is in temporary financial difficulty, and he, by some arbitrary measure, would determine that that company would be disallowed from making a political contribution. What's next? What next will the hon. member want us to stop that individual Albertan from doing?

THE SPEAKER: The hon. Member for Calgary-Fish Creek.

### Child Welfare

MRS. FORSYTH: Thank you, Mr. Speaker. My question relates to the new Act which has been introduced to allow for the formation of authorities to oversee the delivery of child and family services. Under this community-based system it will be necessary, as it is now, for a person to have access to an independent third party if they have a complaint or a concern about their dealing with the system. My question is to the Minister of Family and Social Services. Will people be able to find this type of help after the authority takes on the responsibility for child and family services?

THE SPEAKER: The hon. Minister of Family and Social Services.

MR. CARDINAL: Thank you very much, Mr. Speaker. Of course, it is very important under any public service system for people to have access to a third party who can look into matters on their behalf. Under this proposed Act people will continue to access this type of information from the provincial Ombudsman. In fact, the provincial Ombudsman will have the power to investigate decisions or act on decisions that are not being acted upon by the child and family services authorities. The authorities will be subject to scrutiny by the Ombudsman also because under legislation they will be agents of the Crown. This provides additional safeguards to the children and families of Alberta, and of course many other safeguards and accountability features have also been built into the system.

THE SPEAKER: Supplemental question.

MRS. FORSYTH: Thank you. My next question is to the same minister. Will the role of the Children's Advocate remain in effect under this new legislation?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Yes, Mr. Speaker. That's a good question and one thing I want to clarify also. The role of the Children's Advocate's office will remain. There is more than one advocate in the system. Sometimes we think there is only one. The office

has over 21 staff, and there are six children's advocates. They will definitely continue their role in a most efficient and effective manner. In addition to that, the Children's Advocate will continue to be involved in reviewing how we design and make changes in the future to make sure that the safeguards are in place.

**2:10**

THE SPEAKER: Final supplemental.

MRS. FORSYTH: Thank you, Mr. Speaker. I'm pleased to hear that, Mr. Minister.

My last question is: will other avenues of appeal remain in effect such as the appeal mechanism under legislation like the Child Welfare Act?

THE SPEAKER: The hon. Minister.

MR. CARDINAL: Yes, Mr. Speaker. In fact the appeal system is part of the Child Welfare Act. The appeal system will continue. What has happened is that because of the reduction of the welfare caseloads and the reduction of the need for a number of appeals to be heard, the appeal boards now have more time to make, I guess, better decisions in relation to representing individuals that come forward with appeals. Therefore, we are in a good position to have a very good and effective appeal system for those who need it out there.

THE SPEAKER: The hon. Member for Calgary-Buffalo.

### Human Rights

MR. DICKSON: Thanks, Mr. Speaker. Several weeks ago the minister responsible for human rights attempted to defend his Bill 24 and in doing so suggested that I was unfair in questioning this government's intentions with respect to human rights protection. Last Thursday more than 50 different organizations in Calgary outlined their opposition to Bill 24 and their support for the 16 amendments tabled by this opposition. Now that it's clear that many Albertans knowledgeable in this area share opposition concerns about Bill 24, I'd ask this question of the hon. Premier. Will he commit this afternoon that Bill 24 will be shelved until he personally meets with Dignity Foundation representatives to discuss those amendments I tabled two weeks ago?

MR. KLEIN: The hon. Minister of Family and Social Services is acting for the hon. minister, who's out of province today. Mr. Speaker, I've indicated, not directly but certainly through the media, to Mr. Ghitter that we'd be happy to meet as soon as possible. The Bill, as I understand it, is at second reading stage, has yet to go to committee. We'd like to hear what Mr. Ghitter has to say on behalf of this particular group, and quite possibly – I can't guarantee anything at this time – amendments can be made as this legislation makes its way through.

MR. DICKSON: Since the Premier's Minister of Community Development insists that the Alberta Human Rights Commission is independent of his government, perhaps the Premier could explain to us this afternoon why the Alberta Human Rights Commission held an emergency meeting late last week to discuss how they can assist this government to promote a Bill, a Bill that Albertans apparently don't want.

MR. KLEIN: Well, I'm going to have the hon. acting minister supplement, Mr. Speaker, but I'm not so sure that that is the case. Again, we're not getting a lot of letters and complaints about this particular matter. What the minister is trying to do is to create efficiencies and at the same time maintain the integrity and the effectiveness of the Human Rights Commission.

Perhaps the hon. minister would wish to supplement.

THE SPEAKER: The hon. Minister of Family and Social Services.

MR. CARDINAL: Thank you very much, Mr. Speaker. As the acting minister I will take the question under advisement and have the minister respond when he returns to this House.

THE SPEAKER: Supplemental question.

MR. DICKSON: My final question, then, Mr. Speaker, back to the hon. Premier: would he tell us and tell Albertans precisely what role this commission, whose members have all been appointed by the Premier and his government, will play as the Assembly considers the shortcomings in Bill 24 and Liberal amendments? Will it be a shill for the government? Will it be an independent critic? What role does the Premier contemplate?

MR. KLEIN: Well, the commission plays the role of the commission and protects the human rights of Albertans and, when there is deemed to be a violation of those rights, conducts in a judicious manner hearings to rectify the wrongs that have been done. That's what it does.

THE SPEAKER: The hon. Member for Olds-Didsbury.

### Gopher Control

MR. BRASSARD: Thank you, Mr. Speaker. Here in Alberta we pride ourselves on our rat-free province, thereby sparing us the awareness of the multimillions of dollars of damage that these rodents would otherwise create. Many of us are also unaware of the tremendous amount of damage that occurs every year to crop production, injury to livestock, and damage to machinery caused by the Richardson ground squirrel, that cute but very destructive little rodent that we all know as the gopher. My questions therefore are to the Minister of Agriculture, Food and Rural Development. Has the minister considered a program that would result in an outright elimination of this very destructive rodent?

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Certainly the hon. Member for Olds-Didsbury has identified a very successful program in the rat program that we have in Alberta. I think it's critical and important that we recognize that we are the only rat-free province in all of Canada and the only rat-free area in all of North America, and it has been through the direct involvement of government through our rat program.

The Richardson ground squirrel, of course, has certainly taken over the province, everything south of the Athabasca River in Alberta, and at this stage populates the province in numbers in the millions of what we call gophers. At this stage we're more concerned about the efforts of containing the Richardson ground squirrel, of trying to limit its activities and trying to contain as

much as possible the damages that are inflicted upon the constituents in the province, because indeed they're quite involved, whether it's urban or rural Alberta. They cause millions of dollars of damage and will continue to cause millions of dollars of damage until we find a way of containing their activities.

MR. BRASSARD: Given the reduction of the amounts of strychnine that are available to the producers in their fight against these rodents, could the minister recommend alternatives to strychnine that may be available to these farmers?

MR. PASZKOWSKI: At the present time strychnine is the material that's been identified as being the most useful as far as containing the animals. There was a product that was in use prior to '94, and at that time it was deemed that there was a risk of some of the strychnine leaching into the groundwater and that indeed that could present a risk to human activities as well. So the formulations were changed at that time. The whole key and the concern, of course, in containing the Richardson ground squirrel is to see that they are addressed, and the timing is so critical and so important.

We do now have several types of formulations out there that can be used. They all contain strychnine, however, because it is the most powerful and the most useful material that can be used to contain the Richardson ground squirrel. There is a new product on the market again this year, and it's hoped that with the freshness and the availability of this product it perhaps may be more useful.

MR. BRASSARD: Mr. Minister, what is Alberta's position on the ratio of strychnine allowable under federal law? Will you seek to change and allow increases to this allowable proportion?

MR. PASZKOWSKI: We've been under considerable pressure to lobby the federal government, and we have and will continue to lobby the federal government because the damages that are inflicted are horrendous.

The key to the success of the use of the formulation is to see that it's applied before there is any green grass, because that immediately presents an alternative for the ground squirrel to carry on as far as its livelihood is concerned. So we're meeting on an ongoing basis with our field service people and pointing out that now is the critical time to apply the formulations that are available. If indeed it's not applied before the grass turns green, then it becomes ineffective. It has to be applied in certain volumes, and if done at the proper time with the proper formulations, it is indeed effective.

THE SPEAKER: The hon. Member for Leduc.

2:20

#### **Hotel de Health Inc.**

MR. KIRKLAND: Thank you, Mr. Speaker. My question this afternoon is to the Provincial Treasurer. Mr. Treasurer, on February 27, 1996, Dr. Page Edgar signed a statement of agreement with the Alberta Securities Commission prohibiting her from acting as a director of Hotel de Health for three months. On April 11, '96, the company submitted a proposal to the Crossroads health authority that lists Dr. Edgar as a director. My question to the Provincial Treasurer as minister responsible for the Alberta Securities Commission: what do you intend to do about this contravention of the Securities Commission's settlement order?

MR. DINNING: Well, Mr. Speaker, now that the hon. member has raised the issue in the Assembly and brought this piece of information to the attention of all Albertans, I will make sure the information that the member has provided to me is provided to the chairman of the Alberta Securities Commission.

THE SPEAKER: Supplemental question.

MR. KIRKLAND: Thank you. My second question will be back to the Treasurer, Mr. Speaker. I would ask the Treasurer if he would recommend to the Health minister that the Crossroads regional health authority suspend negotiations with this particular company until such time as this matter is fully resolved.

MR. DINNING: Mr. Speaker, the member is making some allegations about the actions or activities of a certain Albertan, and before anything that the hon. member is even suggesting, certainly the matter would, as I hear him wanting me to do, be brought to the attention of the Securities Commission such that they would want to review the allegation raised by the member across the way.

THE SPEAKER: Final supplemental?

MR. KIRKLAND: No further questions, Mr. Speaker.

THE SPEAKER: The hon. Member for Little Bow.

#### **Transportation Infrastructure**

MR. McFARLAND: Thank you, Mr. Speaker. This past week I had the opportunity to visit a number of local municipal governments in our constituency of Little Bow, and the question that came forward quite often was concerning the reduction of the municipal assistance grant and road construction funding throughout the province. To the Minister of Transportation and Utilities: are you contemplating any changes in funding to the local municipal governments to assist them in road construction and repair priorities?

DR. WEST: Mr. Speaker, we do recognize that the question is based on the fact that there is quite a deterioration in some of our roads in the province. They're going to need quite a bit of resources put back into them in future years. We don't anticipate any further cuts as it relates to the base fund, but we are going to be looking in the province to some funding in resource road grants in the future. I've instructed the department to look at that to see if we can't find, once we've reorganized transportation, a pool of funds that could be addressed to certain specific needs in certain municipalities.

MR. McFARLAND: Thank you to the minister.

My supplemental is to the Minister of Agriculture, Food and Rural Development. My question to him, again from many of the municipalities, Mr. Speaker: is the minister aware of any assistance that may be available to offset the impacts of more heavy truck traffic, moving grain products especially, which will result from branch line abandonment, which appears to be an inevitability in some of the areas of our province?

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Yes, indeed there is transition funding that is available as a result of the WGTA payout. As you know, the WGTA payout offered \$1.6 billion to the actual farmers and another \$300 million in transition funding. Alberta's share of that transition funding would be \$28.9 million.

As to how it will be used, we've been in discussion with the hon. transportation minister as to whether it should indeed be used for road infrastructure. Should it be used for value adding? The original intent of the change of WGTA was to allow for value adding right within the province. No matter what we do to the product, it's still going to have to be transported out of the province, because we are an inland province. What our objective is, of course, is that when we are going to be transporting the product, we want to make sure that we're transporting the highest valued product that we can attain before it leaves this province.

So, yes, there is that thought, and indeed the hon. minister of transportation and myself have been involved in discussions regarding that.

THE SPEAKER: Final supplemental.

MR. McFARLAND: Thank you. My final is to the same minister. Mr. Speaker, it appears that there may be some 60 percent reduction in the traditional grain handling facilities throughout the province. Will the minister of agriculture encourage these line companies to offer the elevators to local municipalities or businesses on a first-right-of-refusal basis before they're demolished?

MR. PASZKOWSKI: Certainly. We'd encourage any development that will allow for value adding within this province, and if indeed these facilities can be used and be useful in further development within the province, it only stands to reason that they should be used in that particular way rather than destroying and demolishing them.

We will also be in consultation with the agricultural community as well as the municipal bodies to see what their wishes are as to how the \$28.9 million should be allocated and spent. Again, as this government has done so often in the past, we will be consulting with the groups that are actually using this money, ultimately where it was designed to go.

### Oil Marketing

MR. GERMAIN: Mr. Speaker, on March 7 of this year the Minister of Energy made a promise in this Legislative Assembly. She was talking of course about who would win the government lottery on marketing Crown petroleum. She said:

I have to say that when the recommendations from my task force group come back to me in the next few days, Mr. Speaker, I will be moving forward with a decision relatively quickly.

Then on March 25, 1996, the Minister of Energy denied that somebody had won the government sweepstakes in this regard. So in light of this, my simply put question to the minister is: when?

MRS. BLACK: Mr. Speaker, soon.

MR. GERMAIN: In light of that, Mr. Speaker, in that same debate the minister said that she had a firm set of criteria. Will she now table that firm set of criteria for this selection process?

MRS. BLACK: Mr. Speaker, I will soon file that criteria.

MR. GERMAIN: Well, all right. Mr. Speaker, to the minister: won't you now simply stop the madness and allow each producer to market your share of the oil when they market theirs?

MRS. BLACK: Mr. Speaker, I said in this House, I believe also in that time frame, that we are doing a very, very thorough job of review of this process of moving to have our marketing done by the private sector. One of the issues that was very, very difficult – and I did bring it up in the House earlier – is the idea of a cash royalty. Ideally, that is what our industry would prefer to have, as would I. In fact, it was one of my first choices.

However, when I went through the very lengthy review and asked the question, "What would be the impact on the province of Alberta; i.e., the resource owners, the people of Alberta?" I was given outside counsel that clearly said that if I were to make the move – and this had not been tested in court – to give up the actual ownership of or proprietary rights to the crude, I could prejudice the constitutional and jurisdictional ability of the province of Alberta. I had to make a very difficult decision and say that we could not go in that direction because I could not as the Minister of Energy put the ownership of the natural resources that belong clearly to the people of this province in jeopardy. So I could not recommend that move to a cash system. Therefore, the course of action that I had to go down was to rather operate in an agent/client relationship, and clearly that has been part of the delay in the decision.

Mr. Speaker, this is not a decision that can be taken lightly. It must be done right. I have said many times when I've been asked the question that when I have the right decision that I feel ultimately confident in and can bring forward, I will bring it forward, but I will not put the crude oil of this province in jeopardy, no matter where the pressure groups come from.

THE SPEAKER: The hon. Member for Sherwood Park.

### 2:30 Environmental Protection

MR. COLLINGWOOD: Thank you, Mr. Speaker. One of the Premier's old promises to Albertans was that they would have increased involvement in environmental decisions through the Environmental Protection and Enhancement Act, but a recent court case concludes that public involvement is not allowed in environmental decisions unless a member of the public is directly affected by a project that may have environmental impacts. It is now clear that public participation has not improved through environmental legislation. My question to the Minister of Environmental Protection: why does the government pretend to offer Albertans more involvement in environmental decision-making when in fact the opposite is true?

MR. LUND: Well, Mr. Speaker, I don't agree that there has been opportunity for less involvement of the public. As a matter of fact, what the hon. member is referring to is a decision of a director that was appealed. Now, before the Environmental Protection and Enhancement Act came along, there wasn't even an avenue for appeal, and clearly once you've opened that door and allowed for these appeals, there has to be some mechanism in place that clearly defines who can appeal. If we don't have some sort of mechanism in place, then in fact every decision of a director would be appealed. We can see that coming, and it's extremely important that we do not waste taxpayers' dollars in arguing about process. We've got no problem spending taxpayers' dollars if in fact it's to protect and enhance the environment, but we do have a problem if in fact it's to argue about process.



THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. With the decision of the court, if the only Albertans who can participate in environmental decisions are those who are directly affected, how will Albertans get involved in decision-making on public lands where no individual is directly affected?

MR. LUND: Well, Mr. Speaker, it's terribly unfortunate that the hon. member would take that sort of an interpretation. Obviously what he is saying is that you have to be a landowner before you could be deemed to be affected, which is absolute nonsense. As a simple example, if in fact there was a decision of a director that had something to do with drinking water, if in fact it's water taken out of a stream and it's a great distance away, those individuals could be directly affected, and they would have status even though they are a long distance away from the site of the action. So to say that you have to be living next to it or own land next to it is absolutely wrong.

Another area that has given great opportunity to the public that wasn't there before is that many projects now will be referred to the Natural Resources Conservation Board. There again there's the opportunity for a great deal of public input. In my own department as it relates to forestry, there are many instances where we require the proponent to go out in the process of doing their environmental assessment and deal with the public. Once again, it's public input. Those things were not there prior to the Premier, who was then minister of the environment, bringing forward the Environmental Protection and Enhancement Act.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. There are many Albertans who want to participate in this process, but the minister squeezes them out. My final supplemental to the minister: will the minister amend the legislation so that this exclusion of the public in environmental decisions can be corrected and they can become involved?

MR. LUND: Well, Mr. Speaker, once again the typical old Liberal philosophy that you tax and spend, tax and spend, and accomplish absolutely nothing. The opportunity for the public to participate as it relates to protecting the environment is there. I suppose this is another attempt to create some more work for some lawyers that need to be employed.

Clearly, Mr. Speaker, we are not going to be going to court on every decision of a director. As I said earlier, the opportunity for the public to appeal a decision of a director is new. It's something that wasn't there prior to the Environmental Protection and Enhancement Act, but we have to put some kind of restriction on that in order that we're not going to court on every issue that a director should make.

THE SPEAKER: The time for question period has expired.

Before proceeding to the point of order, may we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

The hon. Member for Lac La Biche-St. Paul.

head: **Introduction of Guests**  
(reversion)

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you to all members of the Assembly here 23 visitors from the school in Mallaig, which is in my riding. There are 19 students, and they are accompanied today by two of the school teachers, Mr. Ed Jobs and Mrs. Andrea Austin, and also the bus driver, Mr. Corey Koren,\* and his wife, Colleen.\* Out of the 19 students I'd like to mention by name a few that are related to me either as niece or cousins, and they are Giselle St. Arnault, Mariette Corbiere, Natalie Boutin, Caroline Brousseau, Richard Brousseau, Philip Amyotte, Patrick Amyotte, James Dechaine, Robert Dechaine, and Eric Michaud. If only these students could vote, I'd be in good shape. I'd like to ask our visitors to stand up and receive the traditional welcome.

THE SPEAKER: The hon. Member for St. Albert has indicated that he wishes to raise a point of order.

**Point of Order**  
**Abusive Language**

MR. BRACKO: Thank you, Mr. Speaker. Citing Standing Order 23(j), using abusive or insulting language, and *Beauchesne* 488, unparliamentary language, I ask the Speaker to rule on the statement shouted across the aisle by the Member for Little Bow when he said: you don't know shit. That's a direct quote. He shouted across. It's not something I want to say. It's unbelievable that a member of this House would say something like that directed at me personally or at our caucus.

I'd like your ruling on that, Mr. Speaker.

THE SPEAKER: The Chair would refer the hon. member to *Beauchesne* 486(4), where it states that

remarks which do not appear on the public record and are therefore private conversations not heard by the Chair do not invite the intervention of the Speaker, although Members have apologized for hurtful remarks uttered in such circumstances.

Until the hon. Member for St. Albert placed those words on the record, they certainly were not on the record as far as the Chair was concerned, and the Chair would have to rule that there's not a point of order here.

head: **Orders of the Day**

head: **Government Bills and Orders**  
head: **Committee of the Whole**

[Mr. Tannas in the Chair]

THE CHAIRMAN: Good afternoon. I'd call the Committee of the Whole together.

**2:40** **Bill 13**  
**Registries Statutes Amendment Act, 1996**

THE CHAIRMAN: We've had several amendments, and we apparently are going to have one more. So we'll call upon the hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I believe that when we adjourned debate, we had completed 1(a) and 1(b). We had gone to number 3 on 7(2) and had dealt with that and voted on it.

\*These spellings could not be verified at the time of publication.

THE CHAIRMAN: In actual fact, hon. member, the first one, which was almost all of the first page except for the bottom of it, was known as amendment A1. That was defeated by voice vote. The second page, although it was numbered 3 on yours, is in fact the second amendment, so it's A2. That was defeated on division.

We have, then, back on the first page that part at the bottom under the Land Titles Act yet to be moved, et cetera.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. At this time I would not be giving notice to have further amendments to Bill 13. After full discussion with the mover of Bill 13 and consultation with a number of my colleagues, we accept the explanation being offered by the mover of the Bill. At this time I certainly will not be moving further amendments. So unless any of my colleagues wish to speak further to Bill 13 in committee, I would take my place.

SOME HON. MEMBERS: Question.

THE CHAIRMAN: Okay. Are you ready for the question?  
Calgary-*Buffalo*.

MR. DICKSON: Mr. Chairman, with respect to Bill 13, I guess one of the concerns I continue to hear – I get a lot of input from lawyers, from people practising law in different parts of the province – is a concern with accessibility of general registration certificates. I'm hoping that the sponsor of the Bill can take a moment and try to allay my concern and the concern of a good number of lawyers in this province that are concerned that general registration certificates, that formerly were readily available at the northern Alberta and the southern Alberta land titles offices, now aren't available. So what we've got is a more cumbersome and more expensive search process that solicitors are put to in terms of trying to protect their clients' interests. Now, I'd like an explanation from the sponsor of the Bill in terms of how this Bill is going to address that particular problem.

You know, it's fine to talk about changing land registration districts. I think it's important we recognize that Alberta has had – and this has been generally recognized from Australia to the United Kingdom – the finest system of land registration, a system that's allowed this province to grow and to flourish and that provided a certainty and security with a great backstop by a great big assurance fund to ensure that Albertans were protected at all times. When we start moving, resiling from that regime and going down a different path, I think it's essential that we have some satisfaction that Albertans aren't going to be prejudiced. So I'd like the specific advice from the sponsor in terms of general registration certificates.

I guess the other concern I have is with the fund. There have been numerous cases where as a consequence of an error at a land titles office, somebody has been out. Maybe something has been improperly registered against their title. Maybe their title has been merged. Maybe land has been misdescribed. There's always been this very large fund backstopped by the province of Alberta. Now, my difficulty is – and I've asked this question before. Maybe I've just asked the question in a clumsy way or I haven't been listening carefully or attentively enough, but I don't have an explanation yet that gives me the measure of comfort I'd hoped to have that there is going to be proper backstopping, proper protection. When we're dealing with land titles registrations in particular, something that often involves millions or hundreds of thousands of dollars, we've got to be sure. We have

to have a high degree of confidence, and I don't have that yet. So I'm hoping I can get that sort of input from the sponsor of the Bill.

Now, there were two other things that gave me some concern. The provision in terms of extraprovincial registration. It seems to me that we're going to a point here where we're delegating excessively an important power. Some of the largest corporations in Canada either incorporate as a dominion corporation or will incorporate under the laws of the province of Ontario, or Quebec in some cases, and then come in and register as extraprovincial corporations in this jurisdiction. I think it's important that we ensure that there's still adequate protection in terms of those extraprovincial registrations. What's proposed here, Mr. Chairman, is that this is just going to be done by regulation. It seems to me that it may be more efficient from a government perspective – no doubt it's administratively easier – but does it protect the public interest? That's the other concern I've got.

The other question is in terms of the Change of Name Act. There is a question that's come up to me. I've met with a number of victims' rights groups that are concerned about pedophiles. I think in the province of British Columbia they've amended their change of name Act, or Vital Statistics Act, whatever the corresponding legislation is there, to ensure that if somebody is an identified pedophile convicted of offences in terms of abusing children, there are some prohibitions and some protections and safeguards about name change.

Now, when I look at the proposal here – and I guess it would be at pages 4 and 5 of Bill 13 – I notice there is the provision that the director has a sort of very broad discretion in terms of when a name change can be refused. I'm wondering why we didn't look at the B.C. legislation or, if it was looked at, what the reasons were for not trying to deal specifically with people who've been convicted of sexual molestation or sexual abuse of children to ensure that those people then can't undergo a name change and register as a day care worker, register as an early childhood services aide or perhaps as a scout or a guide leader. I'm very interested in what's been done in British Columbia, and I'm wondering if that can be addressed by the member as well.

I had another concern when I read through this. I can't access it right now, Mr. Chairman, so I'll take my seat, hopeful that the sponsor of the Bill will take a moment and respond to those queries or those issues I've raised.

Thanks, Mr. Chairman.

2:50

MR. SEVERTSON: Just briefly, Mr. Chairman. I'll start off with the last one, the Change of Name Act. All we're doing in the amendment is taking away the need for the change of name to be advertised prior to getting approval. Then they have to register the name change in the *Gazette*. We're not taking away any of the criteria of why a name has to be changed, but they don't have to publicize ahead of time. That's the only amendment we're making on that part. So the criteria for a name change stay the same, other than advertising ahead of time.

In reference to the registry in case of an error, the only amendment we're making is at a third level of authority. So for claims under \$1,000 the director can correct the error without going through order in council. That's the only proposed change on the authority of the registrar. It doesn't take away from the liability; it gives the authority at a lower level.

MRS. HEWES: Mr. Chairman, I thank the member for his response to the Member for Calgary-*Buffalo*, but with respect, I

don't think it answered the question. Do the existing criteria, then, cover the concern expressed by the Member for Calgary-Buffalo? Would it in fact be possible within the existing criteria for a convicted pedophile who has served time and is now in the community to change their name and change their identity and therefore get a licence to operate child care or any other kind of activity? I don't know that, and I think that's the kind of protection that the public needs. I think it's the kind of criteria that we should be assured exists before we go on further.

THE CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes. Further to my colleagues raising these further points on the Bill, I just want to stress once again that as a member of this Assembly, when we're dealing with these amending Bills, the frustration is that as a lay person it's very difficult to really make sense out of these amending pieces of legislation. If I, who've had some experience over the years with legislation at the municipal level, am still having difficulty in this Assembly, how can we expect Albertans to be able to take this amending Bill or the legislation that's being amended and actually know what it's doing, what it's saying?

The points that have been raised by the Member for Calgary-Buffalo, whether it be on registries or whether it be on name change, are really fundamental issues out there not only in the marketplace but in ensuring that our communities are safer and that we can work responsibly with members of society who have been identified as being pedophiles. I don't think there's any attempt by communities to ostracize these people, but they want to feel safe in their community. They want people who are in positions of responsibility to be able to work with these individuals to ensure that our children are protected.

We saw a Bill actually being tabled today in the House, and the minister started talking about plain language. You know, I had been optimistic that this government was going to start bringing legislation forward that indeed was in plain language, that the mover of the Bill or any member in this Legislature would be able to look at that piece of legislation and it would clearly tell you what it was doing. You know, Mr. Chairman, I withdrew the other amendments, and it was based on trust that what lawyers were telling me and what the government side of the House was telling me was the correct interpretation. Quite frankly, a lay person wouldn't know that from the way the legislation is written.

The other part – and we've had all the other amendments defeated – gives the government further power behind closed doors to be doing things that the average Albertan or members of the Official Opposition are not aware of. In fact, continually I'm being told by members of my community, even within the industrial group, that they're getting really concerned how far deregulation is going, to the point that it may backfire on the private sector. Suddenly you could be held liable for something that through deregulation creates a very negative environment for Albertans and results in a government or industry becoming liable because the appropriate safeguards were not in place.

So I would certainly ask, like we did when we were in committee on Bill 13 before, that we get a full answer from the government to the question that Calgary-Buffalo has raised and that there be a clear understanding that someone cannot use this amending piece of legislation under name change to where we couldn't follow people that could put our young folks at risk within our communities.

The other is that we've talked in this House about when we're dealing with making arrangements for our funerals and the fact that there may not be a clear understanding of protection for the consumer. I think that in the whole area of when you're purchasing properties and registrations, when you start hearing . . .

MR. SEVERTSON: It's a different Act.

MRS. ABDURAHMAN: No, no. I'm using that, hon. member, to communicate that it's the consumer, the average Albertan that we create legislation for to ensure that they are protected and to ensure that we represent them in a meaningful way.

What I'm continuing to see in this House is legislation that actually favours others over the average Albertan, and what I'm communicating is that it doesn't matter whether it's Bill 13 or other pieces of legislation. When I need a lawyer to tell me in this House, "Member for Clover Bar-Fort Saskatchewan, take note, particularly in the area of registries," I'd better take note. If somebody's telling me that and I didn't spot it, then I would suggest to the government of Alberta that the average Albertan will not be able to see that. We should make sure that every piece of legislation that we are passing in this House is representing Albertans, not special interest groups but Albertans as a whole, the average Albertan.

So I would urge the government, through the member, to indeed please tell us: in Calgary-Buffalo's interpretation on the part of registries and also on name change, has he a legitimate concern? If he has, what are we going to do about it?

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. Just to reiterate, some weeks ago in this Assembly I brought up that concern that the Member for Calgary-Buffalo spoke of, and I had a concern in fact that a name change could potentially protect a pedophile from being publicly disclosed or followed. When I listened to the member indicate that the criteria stays the same, is unchanged, my concern there, hon. member, is that that criteria, as I understand it, does not provide the protection that's required there as it presently exists. If we're going to facilitate or make it easier for someone to change a name, then we have to go the extra step, in my view, and ensure that that particular concern is addressed. I haven't heard assurances that it will be, and it is a large concern.

The examples that were given by the hon. members for Calgary-Buffalo and Clover Bar-Fort Saskatchewan are real and very bona fide, Mr. Chairman. So I think it's incumbent upon the hon. Member for Innisfail-Sylvan Lake to provide the House with some assurance that even though the name does not have to be published in the *Gazette*, there is some criteria associated with that name change, that under some circumstances a name change would not be available to just anybody and everybody. If in fact we end up in a situation whereby a pedophile has the ability to change their name and there's no public acknowledgement of that, then that causes a larger concern in my mind and heightens the concern that these sorts of individuals could slide into some very vulnerable spots as far as children are concerned. So I would ask the member to bring forth that assurance.

3:00

The criteria have not changed, and they've simply dropped the need to publish the name change in the *Gazette*. There has to be some caveat associated with the legislation that indicates if you

have been criminally convicted of crimes against children. This is one instance where there have to be some other constraints or restraints associated with this particular legislation to ensure that these people cannot slip by and have their name changed and put themselves in a position where they're going to threaten the safety of children. That to me is paramount in this legislation. I would reiterate to the hon. member that there has to be some assurance brought forward that there are some sort of safeguards to prevent that. I'm not hearing that there are.

Thank you.

MR. DICKSON: I also appreciate the explanation from the sponsor in at least attempting to deal with my concern. This member and I are part of a committee that had an interesting meeting this morning. At that meeting I'd expressed the view that when you get into opening up a statute – these opportunities don't come along very often, so when you get in there, you want to do the best job you can while you're dealing with it.

Now, when I look at this, in fact I'd just say to the sponsor: you may say that you're adding simply another factor – this is on the Change of Name Act – and adding an additional power, but if we stand back from it, what does this tell Albertans in terms of where our priorities are? We know that in British Columbia they've brought in legislation to deal with this. You know, I don't want to offer free legal advice, because they say that it's always and only worth just what you pay for it. But it seems to me that the situation the British Columbia Legislature dealt with was for good reason and that this general residual discretion, which you're going to repose and which is currently in the legislation, wouldn't cover the situation.

This begs, I guess, another question I've got. Since we're amending a whole series of different statutes, I'd like to have the member tell me whether he has received input from the Canadian Bar Association relevant to sections on that part that amends the Business Corporations Act, on the portion that deals with the Change of Name Act, on the section that deals with the Companies Act, on the section that deals with the Land Titles Act. Since these are the people who work with this on a regular basis, I'd ask the minister to advise us whether they had expressed either concerns or proposed changes that have not been integrated into Bill 13.

Thank you.

DR. NICOL: There are just a couple of questions that I'd like to have answered on this as well. With respect to the Change of Name Act and the amendment to that, dropping out the section, I would like to have the member explain to us how this can be dealt with now with new technologies. Are they going to make sure that when there's a name change, there's a linkage through the computer system? If you do put in the name of a person that you want to track who happens to be dangerous to society or in some other way, will the computer systems and the technologies allow for that linkage and deal with it from that perspective?

The same with the Land Titles Act, where they're talking about deleting the requirement for a regional registry of land titles. Is this going to be maintained now through the technology, through computers, through computer registries? Are we going to be able to have complete access to the provincewide changes in land titles? Will any activity that goes on at that level be handled through those kind of technologies? I guess, Mr. Chairman, if the answer is yes in both cases, then maybe we're not as subject to behind-the-scenes actions as what could be there if these things are

not going to be dealt with through linkages in the computer system. So I'd like to have the member sponsoring the Bill explain that as well.

THE CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes, Mr. Chairman. So that the member who moved this Bill has a clear understanding, I believe that what we need to know is what we have presently in legislation when you go to request a change of name and what this amendment under Bill 13 does to the present requirements.

I'll use an example. If I had been an offender and been held in a correctional centre or a federal penitentiary system and had served my time and come out and decided that I wanted to have a new beginning and felt that I wanted to change my name . . .

AN HON. MEMBER: Is this a true story?

MRS. ABDURAHMAN: Well, actually I did go through a very significant name change that caused me some problems with the spelling of it. To go from Muriel Ross to Muriel Abdurahman was no small feat when it came to spelling my new surname. But setting that aside, that was done legitimately.

What I'm saying is that if someone has been an offender, comes out and requests a change of name, what goes with that name change? Or, for example, someone who has fallen behind in maintenance could literally go in and ask for a change of name to make it difficult for any enforcement people to ensure that that maintenance order could be enforced. We've enough problems already in the whole area of maintenance enforcement without making it easier for someone to change their name. We need to know those answers, hon. member, because it certainly puts a very different light on Bill 13.

So, thank you, Mr. Chairman.

MR. SEVERTSON: Very briefly, this particular Bill amends a number of Acts, and I haven't at my fingertips the details of all those Acts. As I said earlier, all we're changing on the name change is the need to advertise prior to. I guess we've both got access through the library and various aspects to look at that Bill in detail and to bring that concern forward if you're not happy with the Bill, to propose amendments to the Change of Name Act to put those safeguards in. But this particular Bill is only dealing with that part of the amendment. There is the availability of your research department to do the detailed investigation and check into that. All I was dealing with in the discussion were the amendments that were proposed here in the Legislature today.

MRS. ABDURAHMAN: Mr. Chairman, I'd like to move adjournment of debate on Bill 13 until we have answers to the questions that have been put forward by my colleagues and myself.

THE CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan has moved that we adjourn debate on Bill 13 at this time. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

[The clauses of Bill 13 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

3:10

**Bill 14**  
**Health Foundations Act**

THE CHAIRMAN: Do you have any comments?

The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Chairman. I asked a number of questions about this particular Bill at second reading, and all of them are still unanswered, as a matter of fact. I'm concerned about that because I think the Bill could pose some very real problems unless these are answered satisfactorily.

Mr. Chairman, at the outset one of the things I didn't speak about at the other opportunity was the similarity between Bill 14 and Bill 12. Bill 12 is I think now the Persons with Developmental Disabilities Foundation Act; there was an amendment made to the title. Section 5 of that Bill is identical to section 5 of Bill 14. In each case section 5 says, "A foundation is for all purposes an agent of the Crown in right of Alberta."

Now, as I understand it, this means that these particular foundations have special privileges that other foundations do not have related to tax receipts. I see both of these as a means by which the government is devolving to communities, to foundations in this case, the opportunity to raise funds, large amounts of money in the case of both of these foundations being tax-receipted a hundred percent, a very interesting kind of incentive to large donors. Thereby I can imagine circumstances where the Crown, heretofore having been responsible for certain capital requirements and rehabilitation and so on of facilities that we are required to operate for people within the health care system or within the system of those persons with disabilities, will be off the hook, these foundations then having acquired a certain amount of money.

It further speaks to me of downloading onto communities. Now, that on the one hand is perhaps an acceptable action, but at the same time, they're setting up a new kind of foundation which makes for two classes of benefactor. One class of benefactor would give to, say, Athabasca University or to SAIT or whatever, to any other educational institution or health care foundation that would return a 75 percent tax receipt, and in this case someone that would give to one of these foundations will get 100 percent. Now, if someone in my family left a legacy of \$5,000 or \$6,000 and I was considering giving that to the United Way of the city of Calgary or to the Calgary regional health authority, one giving a 50 or 75 percent tax receipt and the other one giving 100 percent, where do you think I'd put it?

Mr. Chairman, while this Bill has merit in the sense that it encourages the large benefactor to give to a worthy cause, at the same time I believe it sets the Crown foundation, which is what these will become, in competition with the foundation that is a community foundation, and I'm not sure that that's a very healthy situation to intentionally create in the province of Alberta.

Now, Mr. Chairman, I asked some of these questions before, and I think they really beg for answers before we persist with this particular Bill. The downloading question is there; the competitive tax advantage question is there. Neither of these have been responded to.

Mr. Chairman, some specifics. Section 3(b)(i)(B) of the Bill: does this mean that the Gimbel clinic could become the health foundation and could in fact be able to give 100 percent tax receipts and could develop a foundation as was determined a year or so ago when we had it before the Private Bills Committee? At that point in time it was set over, or not dealt with, by that committee and by the Legislature, as I recall. Now, does this mean that this can be done through this Bill so that if this Bill 14 passes, that becomes a reality or could become a reality the next day? That's what it looks like to me. Now, if I'm incorrect, I need to have that information, as do my constituents, as do the other health providers in our communities.

Mr. Chairman, I need to have a look at section 4 of the Bill, which gives power to the minister. Now, these kinds of donations require that they cannot be attached to a particular project or program. So then the minister may give advice, and it says in fact that "the Minister may give directions . . ." which sounds more specific, more determined, more aggressive than advice, "to a foundation for the purpose of . . . providing priorities and . . . co-ordinating the work." So the minister, who now doesn't have to provide the money, can say: "I don't have to provide the money for this particular project or program anymore, but I can tell the foundation exactly where they're to put it." So the minister is able, through using this methodology, to use community funding to achieve the minister's and the department's objectives, which may not in any way, shape, or form have been vetted through this Legislature. The minister can give a directive to a foundation to spend huge amounts of money, in the millions, for a particular project or program. It is quite specific: "may give directions."

Now, let me look and see. In Bill 12, Mr. Chairman, we have section 4: exactly the same wording, precisely the same wording. We need to have some sense of confidence about how this is going to be used, because while the current minister may be entirely open to public interest and public involvement in how such directions are given, governments come and governments go and ministers come and ministers go, and that in fact may be quite different next year.

Section 6 of the Bill describes how a board of directors will be developed, and once again we find that the minister, the Lieutenant Governor in Council, essentially by order in council will be saying, will be telling us who's on this board. I'm not sure, as I read it - and this is another question that I think begs for an answer. Can a person who lives in Calgary be a member of the foundation for Edmonton? That's not clear. It doesn't specify, and I think we need to have that kind of information.

Mr. Chairman, if we go on further, section 8(3): "The Regulations Act does not apply to the by-laws of a foundation." Why not? I haven't had any answer to that question. Why should they not be subject to the Regulations Act? Why are we giving this kind of freedom to the foundation and in reality to the minister, who, according to section 4, gives direction as to how the money is to be spent? Those are the kinds of questions that I think really require a clear answer from the minister, from the government, as to what is intended here.

3:20

Mr. Chairman, section 10, once again, tells us that the "foundation is not bound by the directions or wishes of a donor," that the

minister is the one who presumably is going to give the directions, and these can be given to an unelected board of a foundation who carries out the wishes of the minister, which may or may not ever come to this Legislature, for major programs that are the priority of the government.

Mr. Chairman, one other question that I had that I need an answer to. In section 15 there is to be "an amount determined in accordance with the regulations." What is that? Who will decide that and when? I believe that we need to have that answer and the answers to all of these other questions: whether or not this lets the government off the hook as far as supporting with resources certain mandatory requirements; whether this allows the minister then to give specific directions about the expenditures of large amounts of money in the possession of these foundations, and it applies to the foundations that are created in Bill 14 as well as the foundation created in Bill 12; whether we have now created two classes of benefactors; whether the government has really considered thoroughly the kind of competition that they are setting in place here for existing foundations, many of whom have served in this province for a great many years and served very well; whether they're creating something that will cause them grief, cause them inability to find money, resources from their usual sources. The tax receipt to the donor gives great benefit through these new Bills.

Mr. Chairman, at the very least I expect some answers to these questions. I don't know if the government is prepared to deal with them today or what the intention is, but I would have hoped that some of them – and I believe them to be important questions – could be answered before we go further.

THE CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Chairman. With respect to this Bill, I note that on March 19 at page 676 of *Hansard* the hon. Health minister in effect wound up second reading debate on Bill 14 with the comment:

I would make the comment that a number of the comments that have been made both in the discussion of this Bill yesterday and again today would probably be better addressed through committee, where we have significantly more time to address some of the concerns.

So I guess I'm one of those people who had a number of questions in hearing what was said at second reading. I'm hopeful that before we move out of committee on Bill 14, we will indeed get some of those questions answered.

Now, if I had the opportunity to get a response from the hon. Minister of Health, I guess I'd want to challenge her on the comment on page 622 of *Hansard*. This was on March 18, 1996. In introducing the Bill for second reading, she made the observation that this Bill and these new regionally sited foundations "would not interfere with the mandate of any existing foundation." That, with respect, is less important. I don't care whether it interferes with the mandate. The question is: will it impede, will it interfere with the fund-raising capability and the fund-raising success of a local hospital foundation?

The best example I can think of is the Alberta Children's hospital in Calgary. I know John Huggett, the director of fund-raising for the Children's hospital. He and his organization have been enormously successful in raising funds for the Alberta Children's hospital. While there may be no conflict in the mandate between a new Calgary regional health authority foundation and the Alberta Children's Hospital Foundation, how can it possibly be said that we're not competing for dollars? How

could it possibly be said? If you look at Bill 14, there's nothing in there that prevents this new Calgary regional health authority foundation, once it's set up and running, from coming in and basically siphoning off, because it'll have the resources. You're not going to find people who work harder than the Alberta Children's Hospital Foundation, but they'll have a bigger advertising budget maybe. They may have ways of advertising through each of the other Calgary hospitals. How could it possibly be said that that's not going to siphon money away that currently is earmarked and donors that are currently giving to the Alberta Children's hospital?

I think that's pretty significant, Mr. Chairman, and I don't take any comfort from this Bill at all. When I look at Bill 14, it looks to me on the face of it that really what we're doing is superimposing another foundation, which is going to be more attractive to large corporate donors, large well-heeled financiers that may want to support a hospital system, and that's money that may not be going to the Children's Hospital Foundation. It may not be going into one of the other foundations. So that's my first concern. I didn't raise it; I listened to other members raise it when we were dealing with this on March 19 and before that on March 18, but it hasn't been answered. There's been no response from the government to allay those concerns, to come along and say: "Member for Calgary-Buffalo, you're all wet again, because it's already covered in another area. There's a different provision; there's a different plan." I haven't heard anybody say that. Until they do, I have to say that it appears to me we're going to be disadvantaged, and health care in the city of Calgary and some of those foundations like the Children's hospital stand to lose out.

So I would have a great deal of difficulty supporting a Bill that is going to impede the excellent works done at the Children's hospital, and that's just one example of a foundation that's very successful. So when the minister says, "No conflict," and then you read her words very carefully, all she can say is that the mandate is different. Of course it's different, because it's broader. What kind of study has been done by people involved in the fund-raising development area to come along and say, "No, two entirely different markets, Calgary-Buffalo; you're missing the point"?

We need some information. We don't have it. Now, we've got some excellent researchers, but I'm assuming that the Minister of Health, in sponsoring this Bill, has far more resources, deals with these foundations and with hospitals on an ongoing basis. She must have got some input from them on this new Bill. I wish she'd share that with us and tell us not just that the mandates don't conflict but that the target donor pool, if I can describe it that way, is different. I don't know how it could be, because it seems to me that it's the same pot of dollars. There may be some who keep on thinking that we can do just what they do in the U.S. In the United States they have an enormous pool of private philanthropists and private foundations. We just don't have that depth of charitable dollars, and so it tends to be too often increased competition or a recycling of the same charitable dollar. It looks to me like Bill 14 may just compound that.

3:30

Now, I guess the other thing here that gives me some difficulty is that the minister under this Bill is going to have the authority to set priorities. To me, it's a huge leap in logic to go from saying that we can't get the agent of the Crown designation if gifts can be made conditionally. I understand that; I accept that. Why not then allow the foundation to make an autonomous decision in terms of how the money's going to be spent? In this case, the

government has gone the next step and said that not only can a donor not attach conditions and qualifications and strings to a donation no matter how large it is, but the authority is not sovereign, is not autonomous, as any large private foundation would be, to decide how the money is going to be spent. So the foundation's become in effect an arm, maybe a very distant arm but nonetheless an arm, of government policy, an arm of the policy of the Minister of Health.

What if a foundation decided that the Minister of Health had blown it, was simply missing a niche, a health concern that required some support and if that foundation in good faith with local people responsive to local needs said, "We want to put some money into this particular resource at the Children's hospital," and then you've got the Minister of Health coming along and saying: "No, no. We're interested in making the Foothills hospital, if it's possible, larger and more comprehensive in terms of a range of service"? Well, who prevails? The will of the Minister of Health prevails, because Bill 14 says that we're going to have a foundation but that we don't really trust these people to make good decisions.

Mr. Chairman, I hope that the minister will help me with this riddle or this problem. Why is it that we're going to give the Calgary regional health authority a budget which is almost as big as the entire budget for the municipal corporation of the city of Calgary? We allow these people to do all kinds of things, but when it comes to the Calgary regional health authority foundation, they're supposed to be following the action plan of the parties established by the Minister of Health in her department. It seems to me that the government, on the one hand, insists that the regional health authority is independent, is making independent decisions, but when it comes to money, they still want that to be controlled from Edmonton. They still want it going to provincially set priorities, not the priorities that Calgarians who have taken the time and so on to be involved in a foundation board decide are appropriate. So where's the response to that question, Mr. Chairman?

If the Minister of Health – I was going to say: if she's genuine. Of course she's genuine. She's always genuine. She said the other day that this is the time we get those kinds of questions answered. Well, I'm here. I'm restating the question, and I'm looking for that explanation. I'm looking for that answer.

There are some other concerns with the Bill, but I think they've been more than ably dealt with by some of my colleagues and other people who have spoken to it at second reading. I just wanted to raise those concerns. I guess I'd simply conclude, Mr. Chairman, by referring members to page 623. We had the comment there. The Minister of Health said:

These new foundations will draw dollars into the charitable sector to the benefit of all Albertans, and they'll continue the long tradition of generosity that enhances services provided to countless thousands of patients who receive care from our facilities every year.

Well, I guess my concern is that that's a wonderful kind of statement, but the reality is that if we look at Bill 14 as it stands now, it's siphoning, it's redistributing, it's redirecting the very same dollars. This isn't a question of whether the mandates compete; it's a question of whether the donor pool competes. As I read Bill 14, it means that the Alberta Children's Hospital Foundation is going to be a big loser, and the foundation for each one of the individual hospitals in the city I've been elected to represent is going to be a big loser, but there's going to be money there to assist doing the work of the Minister of Health, meeting provincial priorities. I think that's not good enough. That's not

why donors give money. They can give money to the provincial government if they want to give unconditional gifts to the Provincial Treasurer. They can do that. These are people who want to advantage the health care system in their own community and maybe the hospital with a mix of service and patients that they have a particular interest in. Let's respect that, Mr. Chairman and hon. members. Let's advantage it. Let's ensure that continues to happen.

With those comments, I'll take my seat. Thanks, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I'd voiced some earlier concerns about Bill 14, the Health Foundations Act, and I've listened to the debate of the members that have stood in the Assembly here, and they've heightened some of those concerns. I think it's important to attempt to convince the side opposite that the concerns are real and bona fide and that they should seriously look at amendments that'll be forthcoming in this particular matter.

Now, one of the areas that I identified so many weeks ago was section 7, Mr. Chairman, and that was the remuneration and expenses that are associated with foundations. One of the items that I identified when I was examining this Bill was the term "living expenses." I'd used a rather extreme example of someone picking up and moving under the benefit of a foundation to the United States to look at how health care is administered down there, and we in fact would be stuck with their living expenses. So I think it bodes the side opposite to look very closely at defining living expenses and making sure that there's some very sound definition there.

One of the areas that I also addressed in an earlier debate and spent a lot of time with was section 8. That's where the foundation can create, or make, their own bylaws. Now, under most circumstances this wouldn't be a large concern. They probably are the rightful body to do such. However, when I look at the issue and examine the issue that I'm dealing with presently in my constituency, the Hotel de Health, one could speculate – and unfortunately most of these Bills cause you to speculate because there's not a clear definition as to what should or shouldn't happen – that a foundation could be created with the Crossroads health authority or in that particular region. If we look at their ability to create their own bylaws and look at the present infatuation that the Crossroads regional health authority has with Hotel de Health and look at the infatuation that the sitting government has with private health care, I could very clearly see where those bylaws that are crafted on behalf of a foundation that may exist in that region would very clearly indicate that any dollars raised for the foundation could or would in fact be directed to furthering a concept such as Hotel de Health, which really, in my view, is attempting to establish a beachhead for private health care in the province of Alberta.

Now, if those bylaws did that, one might counter that the Health minister herself has the opportunity to override and direct the foundation to correct and provide proper direction for those bylaws, but I would take you back to my earlier comment that when we look at this government today accepting a \$422,000 penalty because they're contravening the Canada Health Act, one cannot draw much in the way of comfort that the Health minister would attempt to provide direction to this foundation that they should not further the cause of private medicine in that particular

health region. So it causes me a large concern. Although I can see that a foundation should make their own bylaws, in light of the philosophy and the mind-set that the Conservative government's accepting in the province today, it causes me a very large concern that the overseeing minister or the person that has the final say would not in fact ensure that those bylaws were in the best interest of health care to the general public in Alberta.

Now, Calgary-Buffalo spoke at length and very clearly about the potential to cause an added element of competition in searching for dollars to assist in the health care world. He spoke of the Alberta Children's hospital, for example. Clearly we have seen today in the province of Alberta the competition of VLTs and how that has impacted on other means of raising funds, such as the bingos or the charities. It has had a detrimental effect from the community level all the way up to the professional level. When we look at the bingo situation or when we look at the horse racing industry, they are suffering as a result of that limited expendable dollar that can be put forth or spent on extracurricular activities that Albertans have. So I think that the Member for Calgary-Buffalo identified a very bona fide and a very large concern, that many foundations that come into existence and that can be created will cause difficulty and again water down the efforts as they all scramble to achieve and grasp the few Alberta dollars left to provide to these sort of situations.

**3:40**

Now, section 10 I think bears very close scrutiny, and I understand the rationale behind it. That section 10 indicates that "a foundation is not bound by the directions or wishes of a donor." I maintained at one particular point that that would be a detriment to anyone that was providing dollars to a foundation, simply because if they were going to leave a sizable amount of money, they would want to give some direction as to how that money should benefit, I'm sure, a specific cause or a purpose. Again, no confidence would be forthcoming if that donor did not have the opportunity to direct those funds in an area that they see is specifically needing. More often than not, in those cases it is because we've lost a loved one to some specific malady or some specific disease, so that will often bring very generous Albertans forward to suggest they would like to help. However, the fact that the donor does not have the opportunity, as I indicated, I'm sure will deter that particular donation from occurring.

The other concern that has been expressed in this Assembly – and again, I think it's a sound concern – is the fact that you have that preferential tax status when you contribute to a foundation, and you can see, as you attempt to envision how these foundations will unfold, that they can become self-serving. As a matter of fact, you can arrive at a situation – again, if I could use Hotel de Health or in fact the Gimbel eye clinic. There are some concerns there that large donations specifically that the government of the day is embracing and forwarding will be the benefactors of such donations. Again, based on my concern about public health care and the fact that it is the soundest method of delivering health care and the most cost-efficient in this province, I have a concern that this will be an assault on that and foster the potential growth of private health care in Alberta.

So those are a couple of concerns that I would like to see the government address very clearly, and it would be refreshing if they would bring amendments forth or at least stand and indicate that the concerns that have been expressed are perhaps not concerns at all. It would, I believe, bring a level of comfort to one and all that have examined the Bill and looked at it closely if some of the concerns had been very clearly addressed. They

haven't conveyed or articulated very well. We have not yet had the response back that in fact we are off base in our concerns.

So, Mr. Chairman, with those comments, I would ask all members to look at it very clearly and try to speculate how it will impact on their particular constituents. It can impact positively on your constituents, or it can impact negatively on your constituents. I would suggest that in my case, what I see developing in the Leduc constituency may be to the detriment of those that have utilized and got excellent medical services from the public health care system. Very clearly I see some difficulties, and I also see some innovations that can be applied by a foundation that would detract from the public health care system.

Mr. Chairman, I would conclude my comments by asking all to read very closely and analyze this Bill for how it will impact. It has the potential to be very detrimental to one and all in this Legislative Assembly and their constituents.

So, with those comments, thank you.

MR. VAN BINSBERGEN: Mr. Chairman, I would just like to say a few things on the subject of Bill 14, the Health Foundations Act. It struck me while reading the Bill that the very fact that this Bill is appearing here in the Legislature is a bit of a sad commentary, I think, on the way in which our health care system is being funded these days so that we now need to make sure that people can divert their donations to health foundations in order to prop up our failing system. I think that's a sad commentary on the way in which our health care system has been dealt with by the government.

Now, this Bill purports to enable the creation of agent of the Crown foundations so that they can attract larger donations and donors receive bigger tax credits. I do have some concern – I think it's been mentioned before – for the existing foundations that are not getting this kind of favoured foundation treatment because they now have to compete on what I would consider a fairly unlevel playing field.

It struck me, reading through the Bill, the degree of control that the minister is reserving for herself, in this case, and for the government. Under this Bill even though most of these proposed foundations are presumably going to be very closely linked with existing regional health authorities, you'd never know it, though, if you read through the different sections of the Bill. Section 4:

The minister may give directions to a foundation . . . [regarding] providing priorities and guidelines . . . and co-ordinating the work of the foundation

and so on. A lot of stuff for the minister to deal with. Let us assume that they're going to be a minimum of 17 health foundations. There's a lot of work to be done for her and by her and her staff.

Section 6 refers to the appointment of the board of trustees, and it's the minister again who makes the regulations pertaining to the appointment of trustees and will allow less than half of the trustees to be selected from a list provided by the RHAs. That's probably the only instance of any input from the poor RHAs. Nevertheless, control still lies with the minister.

Section 7. There is an interesting case here.

A board of trustees may, by resolution, authorize the foundation to pay to its trustees remuneration and travelling, living and other expenses incurred in the course of their duties as trustees.

So they can set their own rates. However, just when you think, "Hey, they can do something for themselves, even though it's as pernicious as allotting themselves remuneration," it then is yanked back by the minister because the regulations pertaining to this particular section will be established by, once again, the minister.



Then there is the specific exemption of the application of the Regulations Act to the bylaws of these foundations that are going to be created. I know the Member for Edmonton-Gold Bar has already queried the minister on this. Why? I'd like to know why the Regulations Act cannot apply and should not apply to those bylaws.

Section 13 once again infers control by the minister in that the board of the foundation will have to prepare an annual report and submit it to the minister "not later than July 31 each year" following the end of the budget year. At least, the minister consents to referring that particular report to the Legislative Assembly. That way, we will have some notion as to what's going on.

Now, I have some specific questions, Mr. Chairman, that I'd like pose. The first one is on section 2. I don't quite understand the language, I guess, because subsection (1)(a) says: "one or more foundations for regional health authorities." That is to say, they may be established. Then subsection (2) says, "Not more than one foundation may be established for a particular regional health authority." So I have some difficulty following the logic of that one. It seems to be contradictory.

[Mr. Herard in the Chair]

Then section 6(7) deals with the appointment of a trustee whenever a vacancy has occurred. Of course, it's the Lieutenant Governor in Council or rather the minister, probably, who will do that. She or the Lieutenant Governor in Council "may appoint a person, in the same manner as the member who vacated the position was appointed." I don't understand that, unless it refers to the fact that that particular member who vacated the position had been appointed directly by the minister and not from a list prepared by the RHA board. If that is the case, then it is a rather oblique reference.

**3:50**

In section 8 "the Regulations Act does not apply," and I already asked that question: why doesn't it apply? It seems that it ought to.

Finally, section 15 refers to the making of regulations by the Lieutenant Governor in Council. Subsection (d) is in regards to prohibiting a foundation from accepting a gift that

- (i) is in an amount, or
- (ii) is valued at an amount that is less than an amount determined in accordance with the regulations.

Now, I really would like to know: are we talking about a certain minimum amount here, and if so, what is that minimum going to be? Is it going to be \$100, \$1,000, \$10,000, \$1 million, or higher yet? I'm very curious perhaps, but there's an enormous amount of flexibility there and open-endedness, and I'd like it to be stipulated a little bit more clearly.

Mr. Chairman, those are all the comments I want to make and the questions I have. I hope that eventually an answer will be received. Thank you very much.

**THE ACTING CHAIRMAN:** The hon. Member for Edmonton-Mayfield.

**MR. WHITE:** Thank you, Mr. Chairman. There are a number of questions that arise from the presentation of this Bill, not the least of which is: why? What's the fundamental here? I happen to know a number of people and happen to have sat on a number of charitable boards myself, particularly in health care for a while,

and they existed. There was no great need for it, unless of course you're looking at a larger deduction in the way of the donor being able to deduct a greater deal of the donation from their income tax. If that be the case, then surely what we're doing is robbing Peter to pay Paul. Health care, in my view, and the fundamentals of health care in view of the Canadian Act, the Act that provides medicare throughout the country, in fact do say that it's universal. In fact, it has to be affordable, because the rest of us have to pay for it, of course.

We're creating two classes here. Those foundations that in fact raise funds for, by way of example, some geriatric equipment, a new minibus or that sort of thing, that provide a little entertainment in an Alzheimer's unit or something like that, are ancillary. Those are not actually required for deliverance of medical care. What we're doing here is robbing that, as I see it, for this. Here we're talking about some major pieces of equipment, which, by the way, was directed by the minister. That is an error. We can see the supplanting of public dollars in these hospital situations with these foundation dollars which in fact draws from the other quarters that should be financed by these charitable donations by the citizens of our province here.

Now, I don't have difficulty with donors getting a higher rate of return, if you will, on their donation. I have no difficulty with that at all. In fact, I applaud that. I mean, I'd like to be able to think that I can make those kinds of donations, whether it be \$200 or \$5,000, and get that same kind of deduction. However, I would like to be able to have the opportunity to choose where those funds go. Maybe not specifically what they do, because the foundation, of course, has to have that in mind – and the Bill actually does cover that instance – but I would like to be able to say, yes, I can get those donations. I would not want to see my donation supplanting that which should be provided by the Canada Health Act and by the citizens of the province in conjunction with the citizens of Canada. I can't see that this particular item is going to help a great deal. Any addition to the health care providers in this province should be provided the way it is currently.

The other thing that concerns me a great deal is the direction of the minister. The minister can "give directions" and exercises a great deal of power, not just in the appointment of a good number of the members but in fact in the direction of the placement of these funds. The minister co-ordinates "the work of the foundation" supposedly to "avoid duplication." Avoid duplication? You say: "Okay. You pay for this piece of capital work, and the operating entity will operate it with funds from the department." That's not right. Something is fundamentally wrong with that scenario, because it robs all of those other foundations, or has a potential to, of those other funds to make hospital stays a little more palatable, particularly for geriatrics and children and the like.

I for one will not be supporting this piece of legislation. Quite frankly, I cannot see why it has come to this point that we require a special foundation, when other Acts of this Legislature that provide for medical foundations could have been modified to the extent that they could have an enhanced, bottom-line deduction from income tax. I believe the questions in this reading should be answered. It's unfortunate that the minister was called away, a joyous occasion be that as it may. It's unfortunate that she or one of her officials cannot be here to answer these questions and put to rest all of these questions once and for all so that on behalf of the citizens that I represent, I could in fact say: yes, I can support this Act.

There are a number of other questions referring particularly to the Gimbel Bill. There is nothing in this Act that would prevent the Gimbel foundation or other like foundations in a particular RHA from applying for the one spot in an RHA, that could be in fact that piece. Nothing at all. There isn't anything that prevents any foundation from making a special application, whether it be in Didsbury or any other geographic location in this province, with a special interest group.

There are certainly enough questions to be asked and answered in this piece of legislation before this Bill is passed into law. Certainly we owe it to our citizens that we represent here to examine these items, to examine them very carefully. I for one do not believe that now is the time to pass this Bill 14 until such time as those questions have been answered.

4:00

THE ACTING CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Well, thank you, Mr. Chairman. I spoke to Bill 14 at second reading and expressed some concerns at that time. I know that we have amendments coming forward, and I will be happy to speak to those as well.

Some of the things were pointed out before, and I didn't really get answers from the minister at that time. One of the points that I know I mentioned was the remuneration of trustees. I think that has to be something that is addressed and looked at much more seriously than it has been in the past. These can't be just political hacks that get paid for doing what the minister asks of them but actually justify their existence and make sure that those things are out in the public so that we can see where the money is being spent.

One of the other concerns I had was about the foundations making their own bylaws. If they do not apply to the Regulations Act and only need to be approved by the minister, I question that. If they're being paid by the public purse, the bylaws should be a matter of public record.

So with those two points I will speak again to the amendments with regard to Bill 14 and continue from there. Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Chairman. I just want to make a couple of comments on Bill 14 as well. The idea that we have to have foundations established for our health care regional authorities is kind of an issue that we need to look at very seriously in terms of how, I guess, the funding occurs and how we're going to end up with different abilities of the regional health authorities and the foundations that are associated with them to operate, to raise money, and to make decisions on how those dollars are going to be allocated once they're raised.

The reason I wanted to speak at this point, Mr. Chairman, is that we see that a number of the regional health authorities are already getting involved in fund-raising to support their activities, especially in southern Alberta. One of the interesting things is that the Calgary regional health authority is advertising in Lethbridge for all of their fund-raising events. What this does is it takes away from the ability of Lethbridge, the Chinook region, to raise the money. So you end up here with these foundations, and I guess it's going to be a matter of which foundation can come out and pluck the strings of the public the hardest. They're

going to be the ones that are going to get the dollars. They're going to be the ones that are able to bring to their region the dollars that they can then put into service.

I guess when we get from there into this inequity that is going to exist in terms of fund-raising, the bigger they are, the more they can attract kind of the public interest in those fund-raisers. So they're going to have more dollars, and then effectively what we're going to end up with is that they're going to take these dollars and put them into all of the different services that are associated with health care provision in that region. We end up, then, having to look at how they're going to maintain standards of service. Is this going to allow them to provide more services? Will that be available to people who come into the region, or will that be billed back to their region? We end up, then, with some questions that have to be looked at. I really want to emphasize the fact that if we're going to deal with publicly funded health care, I question whether or not we should be in effect legitimizing foundations for raising money to support the regional health authorities.

The object behind raising these dollars is self-serving from that perspective. It's a matter of trying to get better health care for their region, but if we're dealing with the perspective of a universal health care system that's available for all Albertans, we should be funding the operating costs of that health care system out of the public treasury, out of general revenues. I think it would be a good idea, if we're going to deal with these kinds of foundations, that some restrictions be put on the way that they can raise money and the way that they can spend the money that they raise.

We've heard some other members of the Legislature talk about the perspective of remuneration. My stand on that – even though I don't feel they're necessary – is that if they're going to be allowed to be established, how they handle it is up to them as long as they follow under the auspices of the charitable donations Act in terms of maintaining accountability in terms of how they spend those dollars. How they actually raise them, whether they pay boards, or how they replace their boards should be up to them, because they've got to deal with their special interest and the focus that they want to put in place at the time they're trying to raise those dollars. So I think the approach that has to be taken is questioning how these dollars are spent.

Mr. Chairman, just in conclusion I want to raise a couple of issues. I kind of question why the need for this Bill, because we're seeing a situation where almost all of the regional health authorities are already raising money. They already have agencies, nonprofit groups formed to support them. What are the benefits of having a foundation as opposed to having the myriad of institutions that are already out there raising money on behalf of these regional health authorities? So it's a real question. We have to look at the aspects that are brought out here in the Bill, the specific sections of it, and really question whether or not it's going to achieve something that we want to put into our health care system.

So with that, I'll be speaking as the amendments come up as well, but we want to deal with this from the perspective of really why we need it and what kinds of restrictions can be put on how they're going to spend those dollars.

Thank you.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. There's been a fair bit of discussion about Bill 14 at this stage. The Bill continues to

cause us some considerable concern. There's been a lack of any clarity on some of the primary issues raised: number one, how this Bill will interfere with the other existing foundations; number two, how this Bill will in fact create an illusion that people may be supporting health care in their hometown and in fact may not be. In fact, the minister, as we've seen, can direct that the donations received be used for just about anything that the government considers to be a priority, and I wonder how that can be reconciled with the stated intention behind the legislation, which is to attract large-scale donations for the benefit of the health care system.

What we could see instead of that happening, Mr. Chairman, is a donation being made by a resident of Grande Prairie, for example, who may believe that their donation will support a program at the Queen Elizabeth II hospital and instead that very donation, because it cannot be tied, being used to support a highway project in Leduc.

MR. KIRKLAND: We need it.

MR. SAPERS: Mr. Chairman, regardless of how badly needed the highway project in Leduc may be, that was expressly not the purpose why that person in Grande Prairie would have given the donation. We are seeing a tremendous competition for charitable dollars. We're seeing a number of foundations, ticket raffles, house raffles, lotteries, all kinds of fund-raising schemes that hospitals and regional health authorities are having to enter into.

#### 4:10

Now, I don't recall anywhere in the government's discussion of this Bill who it is that asked for Bill 14. I don't recall there being any explanation. It seems to me that there are opportunities right now for people who want to take full tax advantage of a donation to an agent of the Crown to do so. There are also a number of opportunities existing in this province for people who wish to make large or small donations to health care. Most hospitals have charitable foundations. Some health authorities have created foundations. Many service clubs have as their object the provision of equipment or material or supplies or improvements to health care facilities. So clearly there is no shortage of opportunities for Albertans to make donations. Thankfully, Mr. Chairman, Albertans have taken advantage of those opportunities. We've had tremendous support in this province over the years through charitable giving to support health care, and we certainly need that kind of support now more than ever before.

That's why I again have to ask: why would the government propose legislation that could potentially siphon money away from health care? I'll restate that this would happen because these new agent of the Crown foundations would be in competition with existing foundations. Their purpose ostensibly is to raise money for health care, but their very status of being agent of the Crown foundations prohibits donations from being tied to any specific purpose. This is very contrary to what the minister has explained as the primary purpose.

Mr. Chairman, we're very concerned that if Bill 14 goes ahead, what we'll have is a lot less accountability and what we'll have is a lot more confusion in the minds of Albertans regarding how health care is supported. At this point I haven't heard anything in debate that leads me to conclude that the deficiencies in Bill 14 could be remedied through a process of amendment. I'm still hopeful that we will have some clarification from the government regarding the deficiencies that we've noted in Bill 14. I'm also hopeful that the sponsors of the Bill will themselves be in a

position to speak towards potential amendments. While I'm not inclined to think the Bill can be rescued, I do have an open mind. I do believe that it's within this Assembly that we put ideas to the test of debate, and I'm willing to enter into that debate. So the potential for Bill 14 is not altogether lost.

That being said, I would at this time like to table with the Assembly and move the first of two amendments to Bill 14. You will note, Mr. Chairman, that there are two amendments on a single sheet of paper. It is not my intent to move both of these amendments now. I am moving simply the amendment noted as number 1, which amends section 6. I will take my seat and pause momentarily while you're having the amendments distributed.

THE ACTING CHAIRMAN: I wonder if the hon. Member for Edmonton-Glenora would indicate whether or not these amendments have been approved by Parliamentary Counsel.

MR. SAPERS: To the best of my knowledge they have been, Mr. Chairman. I believe that squiggle on the bottom right-hand corner represents the approval of said counsel.

THE ACTING CHAIRMAN: Thank you very much. I couldn't recognize that squiggle.

MR. SAPERS: Mr. Chairman, now that the first amendment has been circulated, I'd like to speak directly to the amendment. It's a very straightforward amendment. Section 6 of Bill 14 currently deals with how the Lieutenant Governor in Council may appoint trustees to the boards of these potential 17 new foundations. There are eight subsections to section 6. We are proposing that a ninth subsection be added.

Nothing in the legislation really deals directly with potential conflict of interest. Nothing in the legislation deals with the fact that there are many people who are often involved in charitable fund-raising who also have a material interest. One of the issues which has been raised previously in debate, Mr. Chairman, is the fact that Bill 14 would allow a physician, for example, who has a direct interest in the development of a new program from making a sizable donation to that program, therefore shielding what otherwise would have been taxable income from tax and then directly benefiting from that program becoming up and running.

Now, that situation could be made even worse, Mr. Chairman, if the Lieutenant Governor in Council decided to appoint a related party as a trustee of one of the foundations. This is not altogether an unknown or a fantastic supposition. This has been seen to happen in this province and in other jurisdictions where you have related parties on boards simply because their sphere of interest would naturally attract them to that: a spouse supporting a spouse's work by being involved voluntarily in the same activity as the professional partner.

So what we are proposing through this first amendment is an attempt to remedy this potential for conflict and to ensure that when a trustee has a material interest in any of the outcome of the transaction or the donation or the program, that person's interest must be, first of all, declared under part (a), that person is prohibited from voting in respect to that particular matter as set out in part (b), and (c), "shall not be counted when determining whether a quorum exists." In other words, a decision could not be taken at a meeting where there were not sufficient members of the board who did not have that conflict, who did not bear that material interest to the discussion at hand. It's a very straightforward section. It's an amendment that I believe is consistent with

this government's stated penchant for being open and transparent.

We've certainly had many opportunities during this session of the Legislature to discuss issues dealing with the integrity of the government and government offices, and many Albertans have at the forefront of their minds questions about conflicts of interest and questions about the nature of disclosure that happens within and between and amongst government dealings. Certainly this amendment to Bill 14 will address those kinds of questions and in one small way begin to salvage Bill 14.

As I said before, Mr. Chairman, I'm not at all convinced that Bill 14 can be remedied in total, and I'm waiting for some initiative from the government to work towards that end, but at least we can begin the process and see whether it's achievable by supporting this amendment to section 6 at this time.

**THE ACTING CHAIRMAN:** The hon. Member for Edmonton-Whitemud.

**DR. PERCY:** Thank you, Mr. Chairman. I rise to speak to this amendment, amendment 1. I do so for two reasons. The first is: when you look at the Tupper report, that emerged as a result of the issue of conflict and how to deal with conflict, it set out both a requirement for lobbyist registration, but it suggested that there should be a greater role played by the Ethics Commissioner with regard to appointed boards and the like.

Now, whether or not one agrees with that last suggestion, because it's clear with the hospital boards and school boards that the demand on the office of the Ethics Commissioner would be enormous – and for whatever reasons this government has made it a part-time appointment – there is still the issue that there is in fact nothing with regards to conflict that is in this Act. So even if one agrees with the Bill or not, one still feels that there must be some amendments that deal specifically with conflict. I think that is good for members of the board because it sets out very clearly the rules of the game that they must follow, and it is always best to have these markers in place prior to an appointment as opposed to making them up as you go along.

**4:20**

It's clear from the response of at least some ministers that the recommendations of the Tupper report are not going to be implemented, or if they are going to be implemented, it's not going to be expeditiously. If that is the case, then I think there is a strong argument that can be made that an amendment such as this here, the amendment to section 6 as found in this amendment 1, is in fact in everyone's best interests. It poses no problems for the government, because clearly they would only appoint members that they think would in fact avoid conflict. This sets out the reasons and the issues related to a specific conflict. If you asked, "Are the members within the regional health authority well served by such an amendment, should this Bill pass setting up the foundations?" it's clear that they are, because anything that can be done to ensure an open and transparent governance is in everyone's best interests.

This amendment is constructive. It sets out clearly the requirements. It's in a sense a nice moderate step, as opposed to some other suggestions that have been made; for example, having the Ethics Commissioner actively involved with regards to potential conflict with regional health authorities and school boards. This, I think, removes the potential for so many problems. I think it makes it easier for any of the appointments to these foundations, should the Bill pass. They'll know clearly the rules of the game, and that's all that one can ask. Certainly it's something that any

foundation member would ask: what are my obligations? What are the minefields that I want to avoid? This Bill sets out clearly the minefields that you do want to avoid. It's true that it's common sense, but on the other hand we've seen a number of missteps that have left people picking a lot of shrapnel out of the places that they'd rather not be picking shrapnel out of.

So I don't see how any member on either side of the House could fail to support this amendment. I certainly will support it.

With those comments, thank you.

**THE ACTING CHAIRMAN:** The hon. Member for Clover Bar-Fort Saskatchewan.

**MRS. ABDURAHMAN:** Thank you, Mr. Chairman. I rise to speak in favour of the amendment proposed and moved by my colleague from Edmonton-Glenora. I'm pleased to see this amendment coming forward, because when I spoke on Bill 14 at second reading, I had some grave concerns that what we were doing was creating two totally separate entities for foundations within the province of Alberta, in this case through Bill 14, the Health Foundations Act, and we all know that there are numerous foundations within the health care delivery system today.

In essence, we've got, I would suggest, first- and second-class citizens in the manner in which the members of the foundation are treated. In this instance we see clearly that the people can claim an honorarium and have all expenses reimbursed. In foundations that I fully participated in and am familiar with certainly there was no honorarium, and it was very rare indeed if the foundation members even claimed their expenses. They truly saw it as a full volunteer component.

So one has to question the motivation behind Bill 14. I think it certainly begs many, many questions as to why it's being brought forward at this time, over and above encouraging philanthropists to make significant donations and getting a full tax benefit. I would suggest that without this section it could go even beyond that, and people within the private sector could indeed benefit significantly through this Health Foundations Act. In fact, I would suggest that indeed this could be the vehicle, a way of funding private clinics in the province of Alberta.

There were two ministers of health that recognized the extra cost to health care delivery. One was Dave Russell and the other was Marvin Moore. We saw people within the medical community lobbying hospital auxiliaries or foundations for a given piece of equipment, because the bottom line was that it enhanced the method in which they delivered health care. If you are an anesthesiologist or a surgeon or a pediatrician, certain equipment certainly enhances your procedure. Over and above that, it also enhances your revenue position, which ultimately can be an added cost to that health care facility or directly to Alberta health care. They in their wisdom put in a policy – and I believe the former Minister of Health, Nancy Betkowski, also followed that policy, which was a wise one – where there was a committee that looked at new equipment that was going to be purchased specifically for hospitals or even within the public health system.

Here we see a vehicle through Bill 14 that I would suggest could be used very effectively to enhance people's practices and through that there would be significant financial gain, acknowledging, yes, that people might indeed even have an improved quality of health care. But when you see a door being opened that would allow people to have financial gain, it behooves us to ensure that we have full declaration, whether it be on municipal councils, whether it be in this Assembly, or whether it be on foundation

boards of this nature where indeed a spouse, a member of a company could be actually a trustee on this foundation. Moneys could be directed to an area where they have a direct relationship for financial gain, whether it be a member of a family or someone who's doing business with that body that could get the funding. So like the Member for Edmonton-Whitemud I can't imagine why this Assembly would not support this amendment unanimously.

[Mr. Clegg in the Chair]

There's a concern that I have. Three years ago during the last provincial election the cynicism and the lack of trust for politicians was practically at every door you went to, and I heard it at least three to five years prior to that, that there was a total lack of trust. What I'm seeing now is an acceptance by the public that maybe there is no way we can have people with integrity in the political arena, that we've gone past the point where people are saying, "Let's make sure the people we elect are full of integrity and they can be trusted." There's a cynicism out there that we're all tarred with the same brush and maybe, you know, if you can beat the system, well done. That saddens me. That's what I'm hearing, and I think that's sad.

What I'm seeing with the policy, the direction that this government is going is that indeed the rich get richer and the poor get poorer and you better be friends with this government, that the direction, the policies of this government enhance the private sector and you better be seen to be supporting them. I would suggest that Bill 14 is in that category, so you better have some checks and balances in the system that ensure that if indeed a trustee has a potential of conflict of interest, they have to declare that and remove themselves from that decision-making process.

So I'd urge all members in this House, Mr. Chairman, to support this amendment. Thank you.

4:30

THE DEPUTY CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I would stand in support of the amendment. When I analyze the eight clauses that lead up to the proposed amendment, I certainly think the amendment is sound, and it would not be arguable in my mind that we should overlook or not include a conflict of interest clause in this particular Bill. This amendment would allay some of the concerns that in fact have been brought forth in the debate on the principle of the Bill, that happened somewhat earlier. When I look at an amendment as such in clause (9), that's being proposed by the hon. Member for Edmonton-Glenora, certainly I think it's in order and I think it's very sound. I would say particularly even more sound when I look at the clauses that precede that, (2) and (3). We look at clause (2), that indicates that

fewer than half of the members of a board of trustees shall be appointed from a list of nominees submitted by the regional health authority or authorities.

It goes on to state, "the Provincial Mental Health Board or the Alberta Cancer Board." So in fact there are lots of opportunities for someone to be appointed that would be in a position of conflict of interest.

I look at clause (3) that follows that and would suggest that that gives further credence to the fact that clause (9) as being proposed by the amendment should be adopted. In clause (3) the operative words here, as I see it, are:

The Lieutenant Governor in Council may appoint a member referred to in subsection (2) despite the fact that a regional health

authority, the Provincial Mental Health Board or the Alberta Cancer Board has not made a nomination.

Now, I find that particular word "despite" very heavy handed, and I would suggest that when we are attempting to bring integrity back into government, this conflict of interest clause would certainly do that.

The clauses that I just alluded to or referred to, clause (2) and clause (3), both very much erode the autonomy of any of those regional health authorities or boards that are referred to there in spite of the fact that when I think of the Provincial Mental Health Board or the Alberta Cancer Board, they have done some excellent work in this province. Those clauses tell me that this government still does not have confidence in those individuals, and those two clauses tell me that the minister in this particular case very much wants to retain the ultimate power and the ultimate control. When we look at a situation like that, very much I see the need to include an amendment that will attempt to address the conflict of interest that may result. The Member for Edmonton-Glenora indicated and outlined exactly how those conflicts of interest could occur. So I resoundingly and wholeheartedly would support that.

The Member for Clover Bar-Fort Saskatchewan indicated that it is one of those clauses that no elected official should be at all concerned about. We all know that in fact politicians do not have a good reputation in the public's mind. By introducing clauses such as this, it restores their faith, I would suggest, Mr. Chairman, much like private members' Bills that have come forth that talk about recall and/or citizen's initiative. We cannot be concerned about the public out there having their say, and a conflict of interest clause that's installed in this particular Bill as clause (9), I think puts the whole Bill in a much more palatable light for the public as well as the politicians here that ultimately would have to be held accountable for them.

Mr. Chairman, I would ask all members to look very closely at that. It's not an amendment that costs any dollars. It's not an amendment that is going to hurt the credibility of any individual in this particular Legislative Assembly, and it will only have a tendency, in my view, to ensure that integrity is something that we chat about on a regular basis in this House and take it beyond the chat stage in an attempt to implement so Albertans again can have a better viewpoint of their particular politicians. So I would ask all members to support this amendment.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Chairman. If we are to have this Bill 14 – and I'm neither comfortable with it nor confident that it's the right thing to do at this point in time – thrust upon us, then I think at the very least we have to have this amendment.

I think about the circumstances of the regional health authority boards and how they were appointed. Mr. Chairman, if I were asked – perhaps I'm a knowledgeable person, and I'm asked to go on one of these boards of trustees – I would want to know for my own protection that this clause is in there. I would not want to accept a position on a board of this nature that has control, presumably delegated from the minister, over vast amounts of money unless I knew I was protected. I would want to ask that question. I'd want to be assured that I'm protected so I am not going to be held liable.

Mr. Chairman, when you look at the regional health authorities – and most of us know some of the individuals who are appointed to them – they've come under a lot of fire, a lot of criticism.

Many of them are volunteers that, I believe, really didn't know the immense nature of the subjects that they were going to have to deal with or the difficulties of dealing with them. They are unelected, many of them hardworking and committed people. We find out that the public people are saying: "Well, what are they paid? They're there simply because of the funds." I don't think anybody could pay me enough to take on that role that many of them have done.

DR. TAYLOR: Oh, don't be too sure.

MRS. HEWES: Yes – thank you, member – I am quite sure. Perhaps you're not. Maybe that's why you raised it.

Mr. Chairman, we have given them and we would give these people a difficult task. They're unelected, but they have to stand up and be counted for how the funds are spent. Now, having said that, I recognize that section 4 says that the minister gives them direction, but presumably these trustees would have to justify that.

The Member for Clover Bar-Fort Saskatchewan has talked about the cynicism that is out there about all boards, and in fact we see that in the recent survey that the government, to its credit, has done regarding the RHA boards as to whether or not they should be elected or appointed or some amalgam. The cynicism is unquestionably out there, but, Mr. Chairman, we want knowledgeable people to be encouraged to participate as volunteers.

Mr. Chairman, I think we do a disservice to our volunteers unless we protect them. As I say, I would not accept a position on one of these boards appointed by the Lieutenant Governor in Council unless I knew I was protected. We need to know who the trustees are and how they got there, and the trustees need to be secure.

Mr. Chairman, I'm not comfortable with this Bill, as I said before. I think there are some real problems with it. I think we're setting into force a competition between many of the charitable fund-raising organizations in our communities. I think we may be not supporting our regional health authorities in the way that they would like. I'm not sure that this is going to aid them. I see what's happening in the Capital regional health authority today as we speak, and setting up a foundation is going to be a long-range problem, expecting people to go to serve on these foundations without the kind of confidence and the protection that they would have from such a clause.

Now, we're looking for people who are knowledgeable, for people who have experience in health care, who have experience in their communities, who have good common sense as to how communities should be represented in spending these large amounts of money. Mr. Chairman, at the very least – the very least – this clause should be included. I'm surprised, as I think about it, that Parliamentary Counsel didn't, and I wonder if it was suggested at any point in time. He's shaking his head. I think it's a logical extension of that whole section to put it in to protect both the communities that are being served by these foundations, if they come into effect, and also the individuals that we're going to expect to undertake this task.

Thanks, Mr. Chairman.

4:40

THE DEPUTY CHAIRMAN: Before I call on the Member for West Yellowhead, could we have unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

The hon. Member for Leduc.

head: **Introduction of Guests**  
(*reversion*)

MR. KIRKLAND: Thank you, Mr. Chairman. It's my pleasure to introduce to you and through you to the rest of the Assembly three very dynamic individuals from the town of Beaumont. In the public gallery this afternoon is Gord Stewart, who is the town manager and has been the town manager for some time, providing excellent direction and guidance to Beaumont. With him are two of his colleagues from town council, Rob Taylor and Perry Hendricks, two very energetic and enthusiastic council members out there, that I've had the occasion to meet many times, also providing that economic boost and that guidance that has earned Beaumont the reputation of being a fine community on Edmonton's doorstep. So, gentlemen, this afternoon I would ask all of the Assembly members to give you a warm welcome here today.

**Bill 14**  
**Health Foundations Act**  
(*continued*)

THE DEPUTY CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I would just like to wade in with a few comments about this amendment to Bill 14. Perhaps I'm stating the obvious when I say that I'm in support of this, but regardless of any political affiliation I want you to know that I favour this amendment because it is the right thing to do. It is an amendment that underscores the notion of open government and transparency in government, about which we hear so often. Now, this really puts those words into effect, and that is why I will support this amendment wholeheartedly.

It ensures that there will be a measure of protection for the trustees on these boards from any possibility of self-interest. I'm sure there are always some people, hopefully not very often, who might even want to vie for positions on these boards for that particular reason. That is, I think, why we do need this amendment, to make it absolutely clear that that is simply not tolerated.

Now, Mr. Chairman, I'm speaking in favour of this amendment, and I'm convinced that members on the government side will see the wisdom of it and will vote in favour of it, but I'm a little leery because I think I'm speaker number 5 on this particular amendment and I've yet to see any speakers from the other side making any comments on this particular amendment. I do hope that we're not all of a sudden going to see a total silence followed by a vote against. So I do therefore challenge the members on the government side to put their money where their mouth is and to vote clearly and squarely in favour of this amendment because it provides a measure of protection from the possibility of, shall we say, misappropriate attitudes towards the spending of funds by the trustees.

Mr. Chairman, that is the only thing I have to say, and therefore I'm going to sit down now. Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Chairman. I, too, rise to speak in favour of this amendment. It appears to me that there was an

error by omission in the drafting of this Bill, and this clearly fills that gap. Having had some experience on boards and authorities and tribunals, it's always nice to know that there is something in the Act that enables these particular foundations to operate that does clearly set out what is conflict. We have rules in this House that need to be from time to time interpreted. But this clearly states that a conflict must be made aware of by a board member to the board or a trustee in this case.

I happen to have some recent personal experience of this. I have a younger sister in British Columbia who sits on a board where they do not have this conflict. This is a private board; it doesn't spend government funds or it doesn't collect funds from the public, except their members. She's had a most embarrassing situation by having to plead with the chairman that will not and has not to date been bold enough to display and tell the rest of the board about an obvious conflict that he has with one of their service providers. This has placed my sister in a terrible situation in that she first made him aware very early on in her term that she thought this declaration should be made. She was away for a bit. She does travel. She found out to her amazement upon her return that this had not been done. It puts her in a situation of having to now spill the beans or to appear to the rest of the board members as having had full knowledge of this and being complacent in the fact that she did not say anything about it. This particular man now has offered a solution. He'll stand down now and cite other reasons for standing down, but there doesn't seem to be anybody to stand in his place, so he may in fact be elected again in continuance of this obvious conflict.

I say to members opposite that this is clearly something that every single member on a board would like to see in place. It clearly sets out what the rules are, and it clearly is understood that a quorum, then, would continue to exist, and certainly there cannot be a conflict to the extent that the interest is then known. I believe, as I'm sure most other people would believe that have served on boards and authorities and tribunals and the like, that this kind of amendment is in order, and I really would not like to see an amendment such as this, a simple straightforward amendment, not succeed on the basis of some partisan pull or push from the other side.

Mr. Chairman, thank you for your time.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Chairman. I guess I'll take this opportunity to close debate on this amendment A1 to Bill 14, seeing as no member from the government side of the House chose to stand and debate the merits of the amendment. That really is unfortunate, because it's very hard to know whether that silence is support and a recognition of the thoughtfulness of this particular amendment or whether or not it's sort of a pack mentality opposition to what is a reasonable amendment without entering into the debate at all, without even paying close attention, I daresay, to the merits of the arguments, simply voting against it because it wasn't in the government Bill to begin with. Of course, that would be a shame, because I'm sure all members of the Assembly would agree that the government doesn't draft perfect legislation and that amendments from time to time can help legislation. If Bill 14 can be helped at all, this is a small beginning.

Conflict of interest when it comes to the restructuring of health care is not unknown in this province. Allegations of conflict of

interest, unfortunately, have plagued the whole restructuring process over the mandate of this current government. We've had suggestions of conflict aimed at the chairman of the Calgary health authority. We've had questions of conflict raised regarding ex-candidates, Progressive Conservative candidates, being named to the chair of regional health authorities. We've had a suggestion of conflict because well-known Conservative government supporters who are chairmen of subgroups of health authorities end up making motions that create business for old business contacts and affiliates. We've even had the suggestion of conflict raised in regard to the Member for Bow Valley, I believe it is, who chairs the government's health standing policy committee as a physician, while at the same time the government denies physicians the ability to be fully voting and functioning members of regional health authorities. So conflicts of interest and people being involved in the health reform, so-called reform, in this province have been tied together in the past, and of course we would like to see that stop.

If the government is sincere in its attempt to create these arm's-length foundations that will be agents of the Crown foundations nonetheless for the express purpose of attracting large donations from people whom I'm sure would have ethical concerns around people being in a conflict of interest, who would be making the decision about how their money is spent, then it seems to me more than just common sense. It seems to me imperative that section 6 of Bill 14 would have to be amended.

#### 4:50

If the wording of this new proposed subsection (9) is contentious or offensive to some government members of the House, then I would ask again that they enter debate and tell us where this amendment can be improved. I'm sure that my colleagues on the opposition benches would more than welcome some reasonable comment from the government side. Perhaps there's something missing here. Perhaps it doesn't go far enough, and perhaps that's what's holding the government back from their enthusiastic and unanimous support. Mr. Chairman, it is a straightforward amendment to a very, very contentious Bill. It is an amendment that will help restore a little bit of confidence in a government that has not escaped considerable public concern regarding the integrity of its operations.

Mr. Chairman, the vote on this amendment I think will be very telling for all Albertans. If we see that this receives bipartisan support, then I think the electorate will know that their elected members of this Assembly are concerned about integrity and openness and transparency. If this does not receive bipartisan support, then I think it sends a very strong signal that at least one side of this House – and I dare not say the opposition side – is not concerned about those things and in fact does not take them seriously and only talks the game of transparency and openness but doesn't actually act on those words.

With that, Mr. Chairman, I would like to call the question on this amendment.

[Motion on amendment A1 lost]

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. I hope there will be more vigorous debate. Actually, I hope there'll be some debate on this amendment. What we've just witnessed of course is a voice vote that I believe was unanimous on the government side

in opposition to amendment A1 without any debate whatsoever. That's a shame. I'd like to know why this government voted in favour of perpetuating conflicts of interest. Of course, we'll never know because nobody stood to explain that.

Perhaps we'll have some debate on amendment A2, which I would like to move, the second amendment to Bill 14, which again I have to propose with some note of caution. Bill 14 is a flawed Bill that may not be able to be made better. Section 15 of the Bill is a section that talks about regulations, and this is something that we have seen all too often in this government. We've seen legislation by regulation. The real guts, the heart and soul, if you will, of most of the legislation we've seen coming from this government is all left to regulation, behind closed doors, no debate, order in council. For a Premier who says that there's no division between his backbench and his front bench, I wonder how the private members on the government side feel when all of the weighty decisions are made in cabinet. They obviously don't involve caucus, let alone debate within the Legislative Assembly.

Mr. Chairman, what amendment A2 to Bill 14 proposes is an amendment to section 15 by first of all renumbering the section and then adding the following statement:

Where the Lieutenant Governor in Council proposes to make a regulation . . . a copy of the . . . regulation shall be forwarded to the Standing Committee on Law and Regulations.

As we all know in this Assembly, that committee, even though it is a standing committee which is appointed with some pomp and circumstance at the beginning of every session, hasn't been called for years and years and years to do its work. Regardless of the volume of regulations which flow from legislation in this Chamber, that committee has not been given the task that it was contemplated to be given originally.

The Standing Committee on Law and Regulations would have the obligation to ensure that regulation attendant to legislation is well known to all, that it is debated, that it receives the benefit of public scrutiny, and certainly that it be made in the best interests of the public and not just those chosen few who get to sit behind closed doors with the Premier.

The next amendment would be that the Standing Committee on Law and Regulations would ensure that any regulations are "consistent with the delegated authority provided in this Act," that "it is necessarily incidental to the purpose of this Act." In other words, we don't want superfluous regulation.

I'm certain that the Member for Peace River will want to be first on his feet to stand and support this Bill, because the Member for Peace River, as we know, is chairing the government's committee on deregulation and in fact has taken to sporting a little lapel pin, Mr. Chairman. I don't know whether you've seen it or not. It's a pin that has a large R circled in red with a diagonal black stripe through it. Now, my colleague from Edmonton-Whitemud says that stands for "no Reform." I've spoken to the Member for Peace River, and I know that while that may be a popular interpretation today, that the Member for Cypress-Medicine Hat would agree with, the reason why the pin was struck was actually to signal "no regulation." As the chairman of that committee that is working towards deregulation, I know that he would be very interested in knowing that only regulations that are "necessarily incidental" or consequential to this legislation in fact be formed. We don't want behind closed door decisions being made, piling more and more and more regulation on top of regulation.

Thirdly, the Standing Committee on Law and Regulations would be called upon to "examine any proposed regulation to ensure that . . . it is reasonable in terms of efficiently achieving

the objectives of this Act." Now, this is a government that has prided itself on making government more efficient, making government smaller. They talk about small government. I know that the Member for Medicine Hat and I have discussed small government and efficiency. I know that these are things that the government purports to believe in in terms of efficiency, so why wouldn't they want to embody that in law to ensure that any regulations that come out of this Bill would be only regulations that we are convinced are the most efficient in terms of achieving its objectives?

Furthermore, the amendment suggests that the Standing Committee on Law and Regulations must

advise the Minister when it has completed its review of the proposed regulation and shall indicate any matter referred to [it] which, in the opinion of the Standing Committee,

the minister's attention needs to be drawn. In other words, it compels the committee not just to review the legislation, not just to give it a public airing, but in fact it compels them to report back to the minister, and that in effect would empower the minister to take the necessary action; in other words, to take the regulation back to those thickly oak-paneled meeting rooms where the Premier and his business partners meet and at least revisit the regulations which seemed to be contrary to the public interest.

I would suggest, Mr. Chairman, that amendment A2 to section 15 takes us another small step towards making Bill 14 a reasonable Bill. Of course, amendment A1 has failed, so I am less and less confident as time passes that Bill 14 can be made operational in the public interest at all. But perhaps we'll take one more chance, and perhaps after a day's reflection the government themselves will come forward with some operable amendments.

I would like to conclude my remarks at this point by urging all members of the Assembly to put aside partisan interest, look at this amendment and vote for it. Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Whitemud.

5:00

DR. PERCY: Thank you, Mr. Chairman. This amendment A2 here, which would amend section 15 of the Bill, represents our continuing effort to try and ensure that the Legislature has a greater role in terms of the ultimate application and implementation of Bills. This amendment is similar to others that we have presented for other Bills where we feel that the actual Bill itself is more of a skeleton and that the actual flesh of the legislation will be provided by regulation.

It's clear when you look at Bill 14 that the actual essence of the Bill will probably be driven by regulation. Those regulations will appear out of the ether without input or review, or if input and review does occur, it will be with small select groups. So the hope is that this amendment, if accepted, will bring the Law and Regulations Committee into greater prominence in the Legislature. Were that committee to be operative, then that would in fact reduce the amount of work that any subsequent committee headed by the hon. Member for Peace River would have, because if you have a screening mechanism and you can assess regulations in advance of them being proclaimed, then you can clear out a lot of bad regulations and you can find those that are redundant.

Again, much as amendment A1 was constructive and it just set out a legislative interpretation of what would constitute conflict, this in fact provides a screening mechanism which allows for parliamentary accountability, it provides a mechanism that ensures accountability for members of the Legislature, and it brings into



prominence a committee that heretofore has not met. In fact, just before I conclude my remarks, there is an expression that refers to, you know, either get off the pot or do the operation. Either that committee exists and it performs, in which case amendments like this should come into play, or the committee should be abolished. The government should just come up front and say: this is just a charade.

So it's an either/or proposition, and I would hope that this amendment would be accepted. Again, the essence of the issue here is that we want a Legislature that assesses legislation and doesn't default and allow the real meat of Bills to be given by regulations that occur outside of the confines of this Chamber.

With those comments, Mr. Chairman, I'll take my seat.

**THE DEPUTY CHAIRMAN:** The hon. Member for Clover Bar-Fort Saskatchewan.

**MRS. ABDURAHMAN:** Thank you, Mr. Chairman. I, too, rise to speak to this amendment. As my colleague from Edmonton-Whitemud clearly stated, this amendment, like the previous amendment, differentiates us from this government. It's quite clear in my mind that the government, when they talk about being open and accountable and being fiscally responsible, don't in essence walk the talk. Yes, they balanced their budget, but I think that's the easy task. It's how you do things that count. It's the outcome at the societal level that clearly tells the story.

When we look at what's happening with deregulation of this government, it doesn't matter whether you're talking to the major industrial groups or small business or people within the health care field; there's a real concern about the way deregulation is approached, and so often people within the province of Alberta find out the hard way. They find out by default that that regulation no longer exists, and in fact they've got no recourse when they as a consumer or an industry or a business have to pay a price for the fact that that regulation has been removed. So it's a fallacy to believe that deregulation, in the manner that this government is doing it, is of total benefit to Alberta. I would suggest that we will pay a heavy price down the road.

In dealing with this amendment to Bill 14, we're dealing with an area that is wide open. I mean, what really is behind Bill 14 other than giving a substantial tax benefit to people who have those kinds of resources to donate? Why would you not want to make your Bill 14 squeaky clean so it is quite clear as to what is behind Bill 14 and that indeed even through regulation people wouldn't have direct benefit, like the previous amendment was attempting to ensure wouldn't happen?

When you have a government that has a standing legislative committee in place and they take pride in not calling it, yet they name a chairman and members to that committee, that speaks volumes. It tells you that indeed they don't take the whole process of rules and regulations seriously, from a democratic point of view where they can be clearly debated and examined by this Assembly prior to the removal of them. They have done what has been the practice of governments in this province and in other parts of Canada, have done things that would benefit a certain sector of the economy by deregulating and have not informed the general population that this deregulation is taking place.

As I said, this amendment clearly differentiates us from this government, like the one before it. It clearly shows an openness in the way governments should do business, that that business should be debated fully in this House, not behind closed doors with a limited number of people being aware of what regulation

may be being developed or what regulation may be rescinded. That certainly doesn't serve the marketplace well, and it doesn't serve Albertans well.

You know, Mr. Chairman, when you see this continued practice going on for three years, you have to ask the question: why doesn't this government be up front and say to the Member for Calgary-Shaw, "Sorry; you don't have a chairman's position on the rules and regulations committee, so that's one less appointment you have to make"? Say to all the members who have their names on the rules and regulation committee: "It doesn't exist. You're not appointed to that committee. You don't have to go through the budget estimate process." I mean, it's hypocrisy at its worst.

Then we see one member who chairs the deregulation committee, proudly wearing the badge of honour, where he is not bringing forward in this Assembly the full extent of what he's doing. It belongs in this Assembly. The work that he is doing is not just on behalf of government elected members; it's on behalf of all Members of the Legislative Assembly. This government has certainly identified over the past three years that they don't acknowledge that 83 MLAs were elected to this Assembly to represent Albertans. That's what democracy's about. That's how you do good decisions.

It's tokenism at its worst. You hear continually cabinet members saying: we won; you lost. Well, does that mean that people who are in Clover Bar-Fort Saskatchewan don't have a voice in this Legislative Assembly? Is that what we're saying? Because that's what we're saying when we don't have a rules and regulations committee that is answerable to this House, that no, you don't have a voice, and that we will use select committee structure outside this Assembly to make those decisions.

[Mr. Tannas in the Chair]

That's wrong, Mr. Chairman, and that message has to continue to be communicated to Albertans to understand that this government does not stand for openness and full accountability. It doesn't stand for that trust that Albertans are looking for, inasmuch as they defeated the previous amendment. I would join my colleagues in challenging the members of the government to stand up and speak to this amendment. Why won't you support it? Is it because of the reasons that I'm saying and that's the way you want to govern and that's the way you want to continue to govern? That's what I would suggest that indeed they are saying by their silence.

Thank you.

**5:10**

**DR. NICOL:** I also rise to speak in favour of this amendment. Mr. Chairman, this is almost a companion part now of legislation that has to be brought in based on the way that many of the Bills which have been presented to our Legislature are being kind of made into shell pieces of legislation. We have to deal with the public input, the legislative input to how the Bills are going to be operationalized.

If we look at the change in the structure of legislation under this government, we see that less and less and less of the operational part of any piece of legislation is included in that Bill, so what we need to have is a companion part of the legislative process or the debate process that brings forth the discussion of how those Bills are going to be operationalized. We need to have public input from all of the constituencies in Alberta to provide us with a basis for the way that the regulation part of the legislative process gets

attached to the Bill and also the scope under which those regulations operate. The number of different perspectives that are available for handling the regulations have to be brought out for public debate. We have to look at how those regulations encompass the issues that are involved, how they define the issues that are involved, and how they then get put into a process that will allow us to deal with kind of the implementation of the aspects of the Bill.

It's very easy to talk about the principle of a Bill when we want to debate it in second reading. When there's no real discussion there within the context of the Bill, how do we talk about it when we start talking about amendments? The operational aspects of those amendments are all allocated out to regulation. So what we have to have is the idea that as the regulations are brought in to deal with health foundations, we want to be able to debate them. We want to be able to have input into them from all constituencies in Alberta, and the only way to do that is to bring them forth so that they come out of cabinet, so they come out of the regulatory formation part of the civil service, through cabinet, and get into review by the public through their legislators and through the legislative process. I think that as we talk about all of the regulations that are allocated under section 15 of this Bill, we want to make sure that they're brought to public debate by having them referred to the Standing Committee on Law and Regulations.

Mr. Chairman, I think this is part of good open government, it's part of good responsible government, and I'd encourage all of the MLAs to make sure that they support this amendment so we can debate these regulations as they get formed.

THE CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. What I was fearful of in the discussion of the last amendment did in fact happen. No one on the government side spoke to the amendment, yet they all voted slavishly in opposition to it. Now, I object to that. It seems to me that at least they could have the decency to put up some arguments to try to convince us of the merits of their position as opposed to the merits of our position. It really bothers me. I am a person who will yield in the face of consistently logical amendments, not slavish following.

Anyway, I speak in favour of this second amendment as well. Once again it seems to me that anyone who believes in openness and transparency, words that drop so frequently from the lips of the Treasurer, will vote in favour of this particular amendment.

What we're doing by this amendment is referring any regulations to that famous committee, that Standing Committee on Law and Regulations, which has been in existence since the days of Adam, I believe, and has yet to exercise its particular functions because it has not been called into being by this particular government, that believes in openness and transparency. Consequently, any regulations drawn up by any minister and passed and adopted by any Lieutenant Governor in Council are always produced within the confines of secret conclaves, just like mushrooms grow in darkness and dankness. I think, Mr. Chairman, it is time that that veil of secrecy is stripped away and that we get to see what actually is happening, how these regulations are arrived at, and whether they in fact make sense.

It is for that reason – and I am convinced that by now I'm in favour of this amendment, and I'm convinced that by now I have gotten a rise out of the Treasurer, and he will tell us why he agrees with this amendment.

Thank you very much.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. I stand in support of the amendment as well. In very practical terms I would suggest that it is a good amendment. It really is intended to facilitate one more level of discussion, and that level of discussion, in my view, would ensure that the citizens of Alberta receive the very best possible legislation, legislation that fits them and the rest of their fellow citizens.

Now, that amendment, which recommends that any regulations coming forth should go to the Standing Committee on Law and Regulations, Mr. Chairman, is one more filter. It's a simple filter that will ensure that the legislation fits Albertans.

I would have to ask the question, as I've asked often here: why would we be afraid of further discussion to ensure that we're receiving the ultimate and the best legislation for Albertans? That is something that members who have been elected to the House should not be afraid of. I would suggest that if we would simply take this step to ensure that we have elevated this discussion and the review of regulations to that next step, we would again capture some of that integrity that's missing within the political arena.

Mr. Chairman, I'm not aware of a democratic country that has not found itself with some legislation that is not as efficient and cost-effective and as desirable as initially thought. To move regulations to a second discussion with the Standing Committee on Law and Regulations, I would suggest, is an excellent filter, and it's a filter that Albertans would not at all be concerned about. There's not a lot of cost associated with ensuring that we are providing the best legislation for Albertans, and it will ensure.

As we have chatted and as we have seen Bills come into this Assembly and cabinet ministers have accepted amendments on a negotiated basis with this side of the House, it tells you that there is potential for legislation to be somewhat less than perfect. To move and adopt this particular amendment ensures that we've got that one more stage and that one more opportunity to ensure that before legislation is proclaimed, it is what is intended. As I indicated, there are many Bills that have come into this House in my short term as a politician that have been amended frequently, and some of those amendments are certainly very readily accepted and accommodated by the cabinet minister because the deficiencies or shortcomings of the Bill were overlooked in the drafting of the Bill.

Now, when we look at this Bill, which has some gaping holes in it, there are many references that suggest it'll be driven by regulation. It only stands to reason that those regulations should solidly be evaluated one more time by members of this Assembly that have been duly elected and ensure that the final touches are put onto the regulations and make sure that the legislation fits the intention of the Bill and also fits the needs and the wants of Albertans.

5:20

Mr. Chairman, as I indicate, I think it's an excellent amendment. It's an amendment that could be adapted to every piece of legislation that comes into this particular House. We all would be much better served by putting the intelligence and the guidance of the Standing Committee on Law and Regulations to use. Some very worthy members sit on that particular committee, and I would believe that all Albertans would profit if we would give them the opportunity to provide some guidance and also provide some input at that last filtering step before regulations coming out of this particular Assembly are adopted and proclaimed.

So with those comments, Mr. Chairman, I will move that we adjourn debate.

THE CHAIRMAN: The hon. Member for Leduc has moved that we adjourn the debate on amendment A2 on Bill 14. All those in favour of this motion to adjourn, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Defeated.

The hon. Member for Edmonton-Centre. Edmonton-Mayfield. Sorry.

MR. WHITE: Thank you. I'm inhaling a lot, sir.

Mr. Chairman, I'd rise to speak to this amendment on Bill 14. It is clear that the other side has no wish to debate anything in this House. This particular amendment is a very good and standard amendment. This one is an amendment that protects all the people. This is a second review. This is a very, very judicious look at all the regulations as it deals with them. The House itself cannot deal with this item to the extent that it should, but I should point out a number of areas where there could be some potential abuse.

Section 11 says that in personal liability for the action of the foundation, the members are exempt. Well, they cannot be exempt in all cases. There have to be a number of regulations set down so that those members know the bounds in which they have to be confined. There are a number of regulations that'll have to be put into place on the trustees' remuneration as to travel and living expenses. To what extent are those? Those need not be reviewed? These are spending funds that are destined to and managed by them, destined for all good things, gifts from citizens of this province. You can't just sort of wash that off and say that that doesn't matter. What's the big fear here? That a body appointed by this Legislature would review some regulations? Gee whiz, this is tough stuff here. I mean, I can't understand why people are so fearful. It's really quite beyond me.

Section 4, the minister directs and exercises the power. Well, surely there would be some checks and balances, because ministers come and ministers go. We know that. We have that spectacle today that the minister cannot be here to enter this debate. It's unfortunate; circumstances do occur. This is no reason for us to be debating this matter. This matter should be passed into law and should be passed into law quickly.

We should have some kind of regulation as to the geographics of the members appointed. Certainly it says nothing here. The minister is not bound by anything in the appointments other than presumably being an Albertan, although that's not spelled out either. You would think that there would be some regulations to say that this person representing these people on this board in the geographic region of the RHA would in fact be eligible. Presumably they'd be also of voting age and presumably would be competent, but none of that is laid out here. It is totally and completely void. There's a big hole in the legislation, and we're trying to plug it. The members opposite are just simply being obstinate.

There are regulations, as I said earlier, about personal liability. Let's review that for a moment. How can you possibly be absolved of absolutely everything? In law you certainly cannot be. There's gross negligence. And to what extent? Where are the regulations to this? There are some standard regulations that

can be applied and be reviewed, and I'm sure the committee, chaired by the Member for Calgary-Shaw I believe, would do a wonderful job in the review. Surely there is nothing in this amendment that would not say, "This is a reasonable piece of legislation." Absolutely nothing. To review the matter, to set a committee to do this, would be nothing – nothing – but prudent.

I don't quite frankly understand the partisan pull from the members opposite that keep saying, "We're wasting time; we're wasting time," when in fact we're putting some good and logical discussion forward. We hear absolutely nothing from the other side, this dreadful silence on the record. Unfortunately there are those that prefer to speak off the record, catcall off the record, cry, sing, and dance, and make all kinds of bits of noise when it's simply not necessary.

Quite frankly, Mr. Chairman, I cannot understand the reluctance, other than this pure partisanship: to let the Liberals win one, oh, what a terrible, terrible situation. It's unfortunate that there are very painfully few ministers on the other side that will agree to them. Fortunately the week before we broke there was in fact a case where it did occur. This side of the House gains a great deal of respect for a minister when he says, "Yes, there is a possibility, and yes, we shall include it," and checks with his officials, and lo and behold, it is something that can be included. This was very, very reasonable. It was a series of reasonable amendments. When that minister hereinafter, then, brings amendments forward or brings pieces of legislation forward, this side of the House will give him a much greater breadth. If he needs to say that this is what the explanation for this piece of legislation is, that this is where it should be and this is how things should be done, then certainly we would give him that leeway.

But here we are. We stand to lose two amendments that by any reasonable standard would be accepted. There is no question about it in my mind that this House is getting to the state of a siege mentality from one side or the other. That's just simply not required. There are too many good things that could be done in the House and need to be done if in fact we could just do it.

MR. DUNFORD: Next time bring the amendments forward first instead of after everybody's had a chance to speak.

MR. WHITE: We have a strange squeak from the other side saying something about speaking, but I don't quite recall this member having spoken to this piece of legislation at all. I think he sat in his chair wide-eyed and listened to something, but it certainly wasn't this side. I mean, it's . . .

THE CHAIRMAN: On the amendment, hon. member.

MR. WHITE: Oh, yes. Well, I was hoping that the member would jump to his feet and speak on this matter, I mean, say something about it: yea, nay, up, down, this way, any way, but he certainly would not want to do that.

Mr. Chairman, there's a din in the Chamber at the moment that makes it rather difficult to be heard even for myself. Certainly this amendment needs to be passed, and in fact I would think it would be good to get on with it and do it right now.

THE CHAIRMAN: The Chair would note that Standing Order 4(3) requires that the Chairman do now leave the Chair, and we'll return in committee at 8 p.m.

[The committee adjourned at 5:30 p.m.]

